Mr. Nixon's Line of Defense *Alexander M. Bickel*

THE NEW REPUBLIC

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Chilean Justice—*Martin Garbus*
Where Truth Lies—*The Editors*
France—*Stanley Hoffmann*

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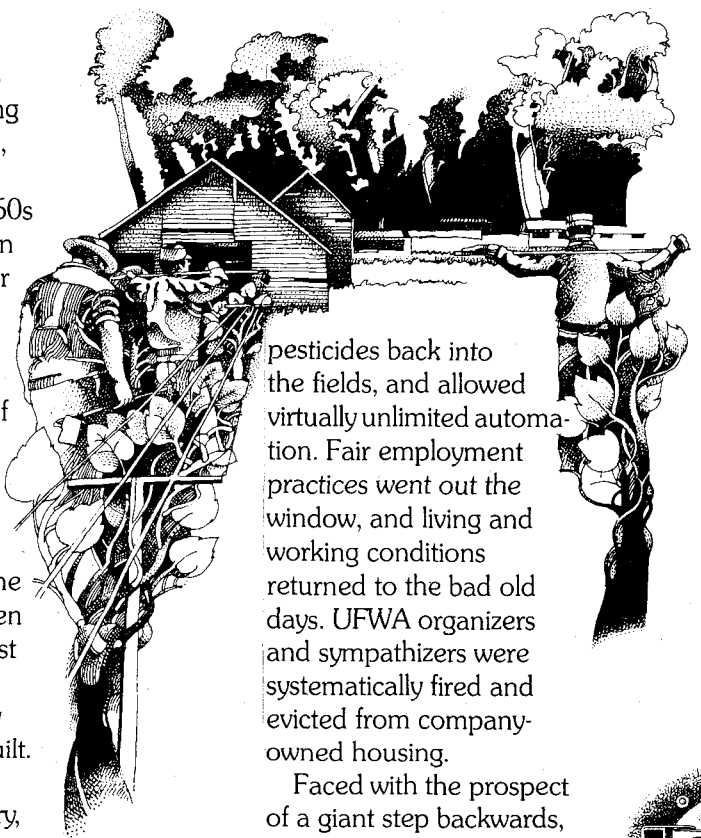
AMERICA'S FARMWORKERS ARE ASKING YOU TO BOYCOTT GALLO WINES.

HERE'S WHY:

After suffering for years under unspeakable living and working conditions, America's farmworkers came together in the 1960s to form a union, a union that would fight for their rights and articulate their needs.

The union was the United Farm Workers of America (UFWA), and under its leadership conditions improved dramatically. A little *too* dramatically to suit some of the growers, and when the contracts expired last summer many growers did their best to destroy what the workers had built. Ernest and Julio Gallo, the world's largest winery, spearheaded the union-busting effort.



Last June, Gallo announced that UFWA contracts would not be renewed. New contracts were signed with the Teamsters Union, contracts that had been worked out behind closed doors with no worker participation. Not surprisingly, the contracts gave Gallo and the Teamsters Union everything they wanted, and gave the workers almost nothing.

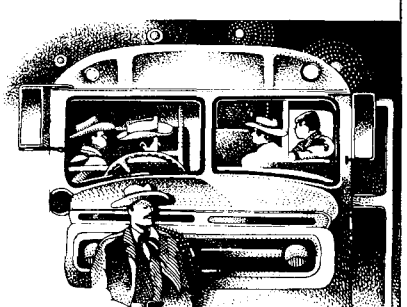
The Teamsters' contracts brought dangerous pesticides back into the fields, and allowed virtually unlimited automation. Fair employment practices went out the window, and living and working conditions returned to the bad old days. UFWA organizers and sympathizers were systematically fired and evicted from company-owned housing.

Faced with the prospect of a giant step backwards, Gallo's field hands chose to go out on strike. But men, women and children manning the picket lines were met with a massive campaign of violence and intimidation forcing them to withdraw from the fields and return to the consumer boycott. But they need your help to make it work.

The basic issue in the Gallo boycott is, simply, democracy. The workers want the right to choose their own union through free, independently supervised elections.

Other American workers are guaranteed this right by law, but agricultural workers aren't. By boycotting *all* Gallo products, you can help give them this basic right.

Boone's Farm, Spanada, Ripple, Thunderbird, Tyrolia, Andre, Eden Roc, Carlo Rossi, Red Mountain and Paisano are all made by Gallo, and should be avoided. America's farmworkers have broken their backs for hundreds of years to put food on your table. Now they're asking you to do something for them. Will you?



I enclose $_____ to help the farm workers survive the coming weeks or months without a working wage.

☐ I would like to help with the boycott of Gallo Wine. Please send me more information.

Your Name _____

Address _____

City _____

Make Checks Payable to "United Farm Workers of America"

Mail to: United Farm Workers of America
P. O. Box 62
Keene, Calif. 93531

Call (805) 822-5571 for further info.

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GOVERNMENT SECRECY GOT YOU DOWN? MAYBE WE CAN HELP

Take your mind back to October, 1973. Public anxiety and suspicion about the energy crisis was in full tide. To break through the veil of secrecy drawn around industry operations by the oil companies, the Senate Foreign Relations Subcommittee on multi-national corporations took testimony "in closed session" from James E. Akins, former head of the State Department Office of Fuels and Energy.

One of the things Akins told the committee was this: Over the past three years, executives of major American and foreign oil companies held at least 50 secret meetings in London to talk about the taxes they pay to Arab oil countries. These taxes affect petroleum product prices throughout the world. They make a big difference not just in how much you have to pay for gasoline at the pump, or for oil to heat your home. They affect the price we pay for everything from food to hospital care, whether there is going to be work enough for everyone, whether the poor and aged can make it.

Yet we still don't know what went on at these meetings. In fact, for four critical months of "public debate" we didn't even know they had taken place. We are not even sure what else Akins had to tell the committee. As the Los Angeles Times pointed out, "The State Department reviewed the testimony and deleted some sections before it was made public."

Forget about Watergate and oil. Consider testimony before Congress by the leading security classification expert that all but one half of one per cent of the 20 million documents the Pentagon holds as secret should be made public, or that at one point the Justice Department was writing wiretap authorizations as if they were petty cash vouchers.

There is just so much any one of us can do, or permit ourselves to feel, about the outrages committed in our names by the people we elect and those they appoint. We have to pick and choose the issues to which we can give so much as our anger. We would just as soon tell ourselves that things probably are better than they seem, that we are perhaps becoming paranoid. Almost by default, we have permitted our government to become habituated to secrecy.

That is why we have formed the Committee on Government Secrecy. The Committee has so far enlisted the contributions and support of thousands of Americans who share our concern. They include Democrats, Republicans, people in between, and others to the left and to the right.

The Committee's job is to make their concern and support effective, and to persuade other Americans that there is something we can do about secrecy in government.

To do what has to be done, we need your help, and we need your money. Here is what you can do to help. If you are a victim of government secrecy, call or write Larry J. Finkelstein. He is at 1910 K. Street, N.W., Washington, D.C. 20006. His phone number is (202) 833-3506. As the Committee's executive director, Larry is an ombudsman without portfolio, a clearinghouse for information, who knows who to see to get what done. If you think you've got an action under the Freedom of Information Act, Larry will know what can be done, by whom and how. If you want to volunteer your efforts, he'll know who can best use them.

He wants to hear from people who have had personal experience with systematic government secrecy: lawyers, reporters, journalists, ordinary citizens, who have been denied information by bureaucratic fiat; government workers who have seen administrative machinery used to render coverups, or for no discernibly useful reason at all — in short, anyone who wants help in breaking free of the secrecy habit.

And we need your money. The more of you who join us, the more we can do. $25 will do a lot. When you have relaxed, when you have grown tired, the Committee will still be working. We are not a "Center" or a "Think Tank" or a lobby. We won't spend your money building a staff or buying office furniture. Our goal, plain and simple, is to restore the right of the people to know what their government is doing. Think of it as an investment in your freedom.

COMMITTEE ON GOVERNMENT SECRECY
350 South Kellogg, Suite 4-03 Goleta, CA 93017

O.K. Let's do something for a change.
Here is my contribution of:

☐ $1000 ☐ $500 ☐ $100 ☐ $50 ☐ $25

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TRB

from Washington
June 1, 1974

No Precedent

Scene One is the DAR's Constitution Hall convention here last month. The President is expected any minute. Reporters crowd the side. There is a chasm of hostility between the nice ladies and the irreverent journalists. It is part of the bewildering two worlds in which Washington is operating.

The marine band in red coats and its leader in a tremendous bearskin hat come in. On the platform are leaders with sashes and corsages, and pages wearing all white. Looking over the well dressed, comfortable gathering, with blue-rinse hairdos, one has the feeling that all's well with America.

The band strikes up the stirring "Washington Post March" by Sousa as nobody but the marine band can play it. We lift up our chins, patriotism oozes out like dew on a cucumber. Music like this stirs the blood; it could send somebody off to war.

The chairman, I mean chairwoman, I mean chairperson, asks can't the spotlight be turned on that big flag hanging from the ceiling? It is turned on. "O-o-o-oh," gasps the audience.

Now "Hail to the Chief." A deep masculine voice over the loudspeaker: "The President and Mrs. Nixon." He is in a dark suit, American flag lapel pin, beaming, waving, Mrs. Nixon seated behind him, on a platform with blue curtains and spangled drapes. It is his inspirational speech, we are hearing it over and over: all's right with the country; all's right with the economy. He has told other audiences that he is going to take charge of the economy himself now and put it in shape.

That's one world. So now here's Scene Two in the same city.

Dr. Arthur Burns, chairman of the Fed, enters a small room at 12:05 where 16 reporters sit at a U-shaped table, takes his place, unlimbers his pipe, produces a flat tobacco pouch, and strikes a match. The White House, the Pentagon and the Fed are centers of authentic power here. The Fed gets power from one fact: it is the nation's central bank controlling the faucet of credit. It can turn it off or on to make money (credit) more plentiful or less plentiful. Easy credit and the economy hums, you get a job. Tight credit—the economy slows, you lose a job. Board members on the Fed serve 12 years. They are as independent as judges.

Dr. Burns tamps his pipe and lights match two. The pipe is drawing all right but he lights it again anyway. He has profuse, upstanding white hair parted in the center that breaks over his forehead like a waterfall, or maybe like foam before the prow of a ship. He has an aquiline nose and looks like Bernard Baruch. Now he cuddles the pipe in his left hand and gently waves the burnt paper match in his right as he repeats a warning that he has been giving to congressional committees month after month, always more dire.

The economy, in short, is in bad shape. Not bad, terrible. (It has grown worse since he made this utterance.) The situation is coming out from concealment on the financial pages to the front pages, always a bad sign. Inflation is "two-digit" in his phrase; production is sinking; the cost of borrowing money is intolerable.

Listening to Burns there is a temptation to quote the President's State of the Union speech of last January. With that unctuous certitude of his he dismissed "perennial prophets of gloom" who predicted recession. "Well," he said, with a little burst of confidence, "let me speak to this issue head-on. There will be no recession. . . ." Whoops. Cheers. (The economy has been falling ever since.)

Dr. Burns isn't blaming anybody now. What he says in essence is a repetition of what he told Congress earlier: "The current worldwide inflation has no close parallel in the economic history of the industrialized world." The inflation-precipitating boom occurred simultaneously in all the big countries. "Inflation is now the dominant economic force in every major nation around the world," he says.

Dr. Burns lights match three and puffs. The fascinated reporter keeps count. Match five at 12:18. Aides speak and Dr. Burns puts in a word here and there. Sometimes he nurses the pipe and waves the match; sometimes he holds the match and rotates the pipe; sometimes he throws everything into confusion by operating with the pouch. The Fed, he says proudly, publishes more information and operates with less secrecy than any other central bank in the world. But he is serving notice: something has to be done to halt inflation and if nobody else will the Fed is going to squeeze credit. Not, he adds, that he won't come to the rescue if a crunch develops, but this is a time for action. (He told Congress last February something he implies again now: "The laws of economics are not working as they once did.") Match seven at 12:45.

Men with great authority often have quiet voices. Dr. Burns says softly that the inflation rate is "very dangerous"; there is a "veritable explosion" of bankers' loans; if a halt isn't called "the country is going to be in great difficulty . . . We are not going to sit back and prepare a monetary path for a continuation of rapid inflation." The thought comes as Dr. Burns lights match eight at 1:07.

There are two separate worlds in Washington today—make-believe and reality. You can't reconcile them as you read about Watergate. On the economy front, for all the encouraging words of White House economist Herbert Stein, things are getting scary: production declining, inflation at 11.5 percent, real earnings of workers lagging behind prices for the 13th consecutive month, and workers' families with 5.6 percent less to spend than a year ago. At this rate a $15,000-a-year man will need $30,000 in 1981 just to stay even.

Mr. Nixon didn't create this slump, I think; it is global and has been developing for some time. He just didn't know what to do about it. World population is growing and raw materials are getting harder to find. Rich countries in 1973 were off balance anyway, with a boom that was turning sour, and along came a fourfold Arab increase in basic fuel prices. That triggered recession. Other countries get rid of unpopular governments easily; we can't. The Federal Power Commission warns of fuel shortages and brown-outs this summer but the President is too busy to urge thrift. Arthur Burns has taken over. He lights another match.

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Contents
Comment
5-7 Where Truth Lies; Guns or Ghee; Clean Up, Paint Up, Fix Up
7 Chilean Justice—*Martin Garbus*
9 The Nixon Watch: Escaping Watergate —*John Osborne*
11 How Might Mr. Nixon Defend Himself? —*Alexander M. Bickel*
13 Kleindienst & Co.—*E. W. Kenworthy*
15 From Pompidou to Giscard d'Estaing —*Stanley Hoffmann*
17 Black, White and Brown: Desegregation Now—*David K. Cohen*
20 Theater—*Lynne Sharon Schwartz*
22 Books—Reviews by *Stanley Weintraub, Murray Polner, Stanley Karnow, Peter J. Ognibene, Peter Wolfe, W. T. Lhamon, Jr., John Woodcock, Charles R. Larson*
31 Fine Print—*Doris Grumbach*
32 Poem—*Reed Whittemore*
33 Films—*Stanley Kauffmann*

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Where Truth Lies

When the President was forced to turn over the investigation of Watergate to Assistant Attorney General Henry Petersen, the few edited conversations between the two men that we have show how Mr. Nixon gulled someone he had said he would "aid . . . in all appropriate ways." He told Petersen on April 16, 1973 that, "A month ago I got Dean in and said (inaudible) a report (inaudible) Camp David and write a report. The report was not frankly accurate. Well, it was accurate but it was not full. And he [Dean] tells me the reason it wasn't full, was that he didn't know. Whether that is true or not I don't know. Although it wasn't I'm told . . . So then I put Ehrlichman to work on it." Now let's look at a conversation earlier that day, a few hours before Petersen arrived, during which this phony story on the Dean report was put together by Mr. Nixon, John Ehrlichman and H. R. Haldeman.

"How has the scenario worked out," the President asks his aides. "Well," says Haldeman, "it works out very good," and he proceeds to lay out the line the President should take with Petersen: "This thing did not parse out the way it was supposed to." "I don't think it will gain us anything by dumping on the Dean report as such," the President interjects; "what I mean is I would say I was not satisfied that the Dean report was complete. . . ." Ehrlichman offers an embellishment: "Remember you had John Dean go to Camp David and write it up. He came down and said, 'I can't.'" Haldeman picks up the thought: "Then you realized that there was more to this man than you had been led to believe." Ehrlichman chimes in: "You took Dean off the case right then . . . the end of March. Remember that letter you signed to me?" The President is not clear about the letter, but Ehrlichman is: ". . . It says Dean is off of it. I want you to get into it. Find out what the facts are. . . ." Haldeman then sums up: "The scenario is that he told you he couldn't write a report so obviously you had to take him off." "Right, right," says the President. Can this be read as anything but the script of three weavers of a web to entangle Dean? "Why did I take Dean off"? the President wonders aloud. "Because he was involved? I did it *really* because he was involved with [L. Patrick] Gray." But did Mr. Nixon ever "take Dean off"? Later that day, during his last face-to-face meeting with the President, Dean said: "I am not doing any investigative work. . . ."

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"Well, that's right" the President agreed. "Well, I turned that off three weeks ago," Dean continued. And the President replied: "Good. You haven't done any since three weeks ago?" "That's right."

Where does the truth lie? The President talked with Dean by telephone on March 20, 1973 about writing "a general statement that I could put out." The following day Dean gave him an oral report, including "the soft spots, the potential problem areas." The President suggested Dean "brief the Cabinet, just in very general terms and the leaders in very general terms and maybe some very general statement with regard to [Dean's] investigation. Answer questions basically on the basis of what they told you, *not what you know* [italics added]. Haldeman is not involved. Ehrlichman is not involved." "If we go that route, sir," Dean responded, "I can give a show we can sell them just like we were selling Wheaties on our position."

Twenty-four hours later the President discussed with Haldeman, Ehrlichman and John Mitchell Dean's assignment. Dean was present. "I am looking at the future," said Ehrlichman, "assuming that some corner of this thing comes unstuck, you [Mr. Nixon] are then in a position to say, 'Look, that document I published is the document I relied on, that is the report relied on. . . .' You have to bottom your defense, your position on the report," Ehrlichman continued. "And the report says nobody was involved, and you have to stay consistent with that."

Near the end of that March 22 strategy session, the President asked whether the planned Dean report would "let it all hang out so to speak." "It's a limited hang out," replied Haldeman. And with those instructions Dean went to Camp David. On March 27, with Dean still at Camp David, the idea of a Dean report was dropped.

On April 17, 1973, meeting with Haldeman, Ehrlichman and then Secretary of State William Rogers, the President gave a fuller explanation than the one given Petersen a day earlier: "At Camp David, [Dean] was to write the (expletive deleted) up so we could put out a statement. [Dean] said, 'I really can't write a statement *that you can put out*' [italics added]."

When Mr. Petersen saw the President the evening of April 16, 1973, he was asked "if there are any developments" the President "should know about. . . ." Petersen was by then receiving information from Dean and Magruder that linked the President's two closest aides, Haldeman and Ehrlichman, to criminal acts. He was in an awkward position. However the President assured the Assistant Attorney General "that of course as you know anything you tell me as I think I told you earlier, *will not be passed on* [italics added]." So Petersen went over that day's developments, describing how Fred LaRue went before the grand jury and admitted obstructing justice, and that Herbert Kalmbach, the President's personal lawyer, would be called before the grand jury, and that Dean had named Haldeman as the one who had authorized Kalmbach to raise money for the Watergate defendants.

The next morning at 9:47 am, the President, disregarding his promise to Petersen, relayed Dean's disclosures and asked Haldeman to "get John [Ehrlichman] and yourself and sit down and do some hard thinking about what kind of strategy you are going to have on the money. You know what I mean." He then ordered Haldeman to call Kalmbach "to try to find out what the hell [Dean] is going to say he told Kalmbach? What did Kalmbach say he told him?" ". . . Be sure Kalmbach is at least aware of this," the President added. "LaRue has talked very freely. He is a broken man." Kalmbach arrived in Washington on April 19 and telephoned Ehrlichman, who recorded the conversation. Ehrlichman emphasized that the President and his aides thought the money Kalmbach raised was for humanitarian purposes. Ehrlichman said several times that all he knew about the money was what John Dean had told him. That was not true.

Mr. Nixon again saw Petersen April 27. The President was furious: "If Dean is implicating the presidency, we are going to damned well find out about it. . . . Let me tell you, the only conversation we had with him, was that famous March 21st conversation I told you about where he told me about Bittman coming to him. No, the Bittman request for $120,000 for Hunt." Only conversation? There had been 36 meetings and phone calls about Watergate with Dean. Mr. Nixon concluded by telling Petersen: "And believe me, nothing was approved. I mean as far as I'm concerned . . . as far as I'm concerned turned it off totally." Totally? The President did not halt the payment that night of $75,000 to Hunt; he made no objection to it and may have ordered it.

During that same meeting of April 27 the President gave Petersen his version of the March 21 clemency discussion: "I said first you can't give him clemency. Somebody had thrown out something to the effect that Dean reported that Hunt had an idea he was going to get clemency around Christmas. I said, 'Are you kidding? You can't get clemency for Hunt!'" Then the President began to ramble: "You couldn't even think about it until, you know, '75 or something like that. Which you could then because of the fact that you could get to the. . . ." Perhaps then remembering with whom he was talking, the President said, ". . . ah . . . but nevertheless I said you couldn't give clemency."

The President *had* told Dean he had been informed of Hunt's desire for commutation, and he *did* know that Charles Colson had discussed clemency with Hunt's lawyer. Indeed on March 21 it was the President who suggested nothing could be done until after the election, if then, and who said: "The only thing we could do with [Hunt] would be to parole him like the (unintelligible) situation." But he never told Petersen that.

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Guns or Ghee

The economy of India is in desperate shape. A third of its 600 million people live at a subsistence level, earning less than $30 per year, and some 80 percent of its children are undernourished. Its population is more than 70 percent illiterate, and three-quarters of its university graduates are unemployed. Its industrial production is lagging and full-scale famine next year can be averted only by the import of roughly 10 million tons of grain. In the face of this dismal state of affairs, the decision of Prime Minister Indira Gandhi's government to develop and test a nuclear device is villainous. The $173 million spent on nuclear research until now and the additional $315 million to be spent over the next five years could have been allocated, for example, to construction of two ammonia plants capable of providing the fertilizer to grow six million tons of grain. There is every prospect, moreover, that the Indian government, despite its claimed commitment to the "peaceful uses of atomic energy," will proceed to build advanced weapons, and the cost of these arms is certain to drain further the country's skimpy resources. The pledge to employ nuclear power for mining and earth-moving rings hollow and Indian scientists must know it. After exploiting the atomic secret for nearly 30 years, American specialists admit that they have yet to harness it effectively for productive, peaceful purposes.

India's move will undoubtedly set in motion a chain of similar actions by other states. Israel has the capacity to turn out an atomic bomb, and the shah of Iran, who owns virtually every other sophisticated weapon, may be tempted to follow suit. Although the Japanese constitution outlaws nuclear weaponry, pressures to join the atomic club are bound to rise. One can now envisage the day when terrorist groups deploy nuclear weapons.

India is not wholly to blame for this madness. The US and the Soviet Union have been fortifying themselves for years with instruments of ultimate destruction, and while preaching against their proliferation, have done little to set a convincing example.

Clean Up, Paint Up, Fix Up

George Wallace's image in Alabama has been undergoing some major refurbishing. The substantial black vote he got in the state's Democratic gubernatorial primary has been used to support the claim that the man who stood in the schoolhouse door to keep blacks out of the University of Alabama is now, as he phrases it, "governor of *all* the people." Then a few days later, the governor turned up on the same platform with Ralph David Abernathy, Martin Luther King's successor as head of the Southern Christian Leadership Conference. Both were there to receive honorary doctor of laws degrees from the predominantly black Alabama State University. The sight of Wallace and Abernathy in cap and gown smiling benignly at one another will rank in the annals of incongruity alongside a photo of Mr. Nixon at the right hand of Mao.

The picture of Wallace and Abernathy ran in many newspapers, but there was little mention of the ASU citation honoring the governor, which ended as follows: "Because of his [Wallace's] good judgment and official restraint, no freedom-loving and freedom-seeking student or other person met violence at the hands of the law on the Alabama State campus during the Civil Rights struggle of the 1960s."

The tribute isn't even technically correct. On at least one occasion student demonstrators at ASU were charged by horsemen with nightsticks from the Montgomery sheriff's office. What offends most, however, is the permissive attitude the ASU accolade takes toward a cruel period of history, during which Wallace presided as governor or exercised Lurleen Wallace's proxy. Recall Selma and the murdered victims of the civil rights struggle: Liuzzo, Daniels, Reeb, Jackson and five little girls in a Birmingham church.

Chilean Justice

With other attorneys from the US, Germany, Switzerland and England, I have just seen the Chilean government's first open political trials. We had been invited by the junta to watch the trials of leading officials of the Allende regime and air force officers accused of conspiracy, in order to show that the proceedings were fair to the defendants, six of whom face the death penalty. The trials are being conducted on the outskirts of Santiago in the Air Force Academy.

Each morning, as our car approached within 250 feet of the academy, we were stopped by four soldiers dressed in fatigues with machine guns over their shoulders, fingers on the triggers. After they checked our credentials, we walked down the road between lines of soldiers, seeing more soldiers, tense and armed, watching us from behind embankments, trees, bushes.

At the academy entrance we passed another checkpoint, a dozen more soldiers, and then we were led to a small gatehouse where we emptied our pockets, took off our jackets and were given a finger search. I saw an eminent extreme right-wing defense lawyer refuse to go through the search because "it was degrading." He was excluded from the courtroom. Leaving the gatehouse, we walked 50 feet down a path guarded by

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soldiers and into the auditorium, now a courtroom. Three guards were stationed along the sides of the auditorium, three more at the entrance, all with their fingers on triggers.

The Chilean military code governs the trials, the government having suspended the constitution and the lower courts after the September 11, 1973 coup. The government presents its case without live witnesses, the prosecutor relying solely on the confessions of the defendants to prove his case. Confessions have been taken from each of the 67 persons charged. In cases where the penalties are 20 and 30 years, it takes the government 20 minutes to an hour to present its case. Before the trials were opened, the military tribunal (7 judges, one is a lawyer) felt that by sitting four hours a day, the 67 trials could be finished in a week to 10 days. However, now it appears it can't be done that quickly and the tribunal expects the trials to take six weeks. Each murder trial, according to the new schedule, will take two hours.

I was surprised at how well the defendants looked in court after hearing of the torture and after seeing their jails, where eight men were crammed into six-by-eight foot cells. All the defendants originally had trouble obtaining lawyers, going unrepresented for months. Nearly all of their present lawyers are from the right of center, originally supporters of the junta and former opponents of Allende. At lunch one day during the trial, a colonel high in the administration told me these lawyers were Marxist, for if they weren't, they would not be representing these defendants. Some of the lawyers who feel they must raise issues that will displease the regime are thinking of sending their wives and children out of the country. Many feel they ought to do this before the defense seeks to prove that the confessions were obtained by torture.

On the first day of the trial, one of the lawyers told the press the defendants would raise the question of maltreatment. He was then advised by one of the officers present that he would be arrested for treason. He hasn't raised the issue again. A few days later a defense lawyer contested in court the legal validity of the trials. He said the junta could not establish the legitimacy of the military tribunal by saying that the civilian courts could be ignored because it declared a state of war, for, he said, the junta, under the Chilean constitution, did not have the right to declare a state of war. The prosecutor became furious. He asked that the defense lawyer be immediately removed from the case. He was. The lawyer is in the process of being disbarred.

Under the Chilean military code, the judges have discretion to recognize or to bar defense witnesses. So far the judges have exercised their discretion in favor of the defendants, allowing character witnesses to take the stand. When the first defense witnesses were called and walked from the witness room in the back of the auditorium to sit before the military tribunal and testify that the defendant was of good character and one whom he had known and spoken to, it was an act of great courage. I held my breath as I watched the defense witnesses—a storekeeper who lived near the defendant, a soldier who served in his unit—for I felt their lives were at stake.

What is now happening in Santiago all seems part of a concerted effort to keep the Chileans agitated and to make the defendants and their followers appear to be dangerous. Soldiers, in readiness, are everywhere in the streets, and after the one am curfew, the night rings with shots. During the second week of the trial, the Reuters wire service was threatened with being closed because the junta did not like its reporting of the trials. Radio Ballaceria, a nonpolitical talk-show station, was shut down for commenting on the trials.

A Swiss newsman who the junta thought was not reporting fairly disappeared for five days. The junta claimed his whereabouts were unknown. He was last seen under military escort, being put on a plane at the Santiago airport.

The allegations of the prosecutors are each day interspersed with the front page news in the Chilean press—in order, it seems to legitimize the prosecutor's claims. The second day of the trial there were announcements of the arrest of thousands of extremists in the workers' quarters in Santiago. The third day of the trial the government announced that 10,000 extremists were massing on the Argentine border to invade Chile. The story disappeared the following day—there was now a new story that those confined in prisons had arms and were planning other revolutionary acts.

Even while this trial goes on, hundreds of secret trials are going on. A lawyer representing one of the defendants in this trial told me about another case. "I was called Monday at 11 in the morning and told to represent a defendant. I said I couldn't, I knew nothing about the case. They said unless I was there at noon, the trial would start without a lawyer. The defendant, Marcos, was a 19-year-old boy charged with giving a treasonous political speech. The prosecutor . . . sought the death penalty. I went there, the prosecutor read the defendant's confession. Marcos refused to allow me to raise the question of torture, feeling the tribunal would only get angry if I did. I said only that the confession was not true. The trial took a half an hour. The judge said he would call me and give me the verdict. By Thursday, I hadn't heard. I called the tribunal, and was told he was shot on Tuesday. The death sentence was handed down in the afternoon of the trial. I found his parents and fiancée and told them. They had not heard from him in months and did not even know that he was arrested or charged."

The week the trials opened, the cardinal of Chile, Raul Cardinal Silva Henriquez, expressed his concern for the junta's limitations of human rights by issuing a public statement. The church has been quiet since the coup. That day the junta, in front page headlines, ad-

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vised there was an extremist plot to kill the cardinal and said he was to be given a four-man bodyguard. Not withstanding the "bodyguard," the cardinal went into retreat with fellow members of the church and, in the second week of the trial, issued a statement mildly critical of the government, saying a climate of fear existed in Chile. The government claimed the statement showed the church was part of a Marxist conspiracy.

As long as the trials are kept open, the defendants have the benefit of knowing that whatever happens to them will not be done in secret. Meanwhile the government acknowledges there are thousands of political prisoners who have been held incommunicado since the early months of the coup. Many political prisoners have been killed in secret. The conservative news media estimate is 5000 to 10,000 killed since September 1973 (the CIA's estimate given to Sen. Kennedy is 25,000) in a country with approximately the same population as New York City.

Martin Garbus

The writer has just returned from Chile. He went as a member of a committee composed of professors of law at Harvard and Yale, plus Paul O'Dwyer and Orville Schell, president of the bar association of New York City.

The Nixon Watch

Escaping Watergate

Between May 12, when the President read in *The New York Times* that he'd been heard saying "wop" and "Jew boys" on White House tapes, and May 22, when he greatly increased the chances that he will be impeached by telling the House Judiciary Committee that he won't obey any more of its subpoenas and demands for tapes and documents connected with the Watergate scandals, Mr. Nixon never abandoned hope that success in Henry Kissinger's efforts at mediation between the Syrians and the Israelis would make it possible for him to get away from the horrors at home with a trip to the Middle East. During a weekend holiday at his Florida home, the President had his spokesmen repeatedly remind the press that Secretary Kissinger was working for him in Damascus and Jerusalem and that any success achieved would be a Nixon success. The word on May 17 was that the President "spent most of the morning reviewing cables from Secretary Kissinger" and "sending guidance to the Secretary." On May 19 it was that "the President continues to send guidance to Secretary Kissinger, who is in Israel today." Back at the White House on May 21, when Kissinger was reported to be saying after 22 days in the Middle East that he really had to return to Washington soon, Mr. Nixon had a spokesman say that "he has told the Secretary to stay there as long as possible" and that "both the President and the Secretary are eager to make as much progress as is possible." Egyptian Ambassador Ashraf Ghorbal said on the 22nd that his government still hoped to greet the President in Cairo in early June and I was told at the White House not to rule out the possibility, difficult though it would be to arrange a presidential journey abroad on short notice.

Whether Mr. Nixon would actually be going to the Middle East was not the principal point of interest. The point was the indication in all the talk about the hope and the possibility that the President and his people were desperately anxious for a success that would call for celebration with such a trip. Mr. Nixon's assistants continued to say that he was determined to revisit Moscow in late June. Ambassador Ghorbal understood that the Moscow trip was scheduled for the third week in June. So the thought occurred: what a journey, what an escape from Watergate a trip to Cairo, Damascus, Jerusalem, Riyadh in Saudi Arabia and then on to Moscow would be for Richard Nixon. It was no more than a thought, of course, and it may have been a fantasy. But it was the sort of fantasy that the people around the President liked to indulge, for relief if nothing else, in the last days of May.

There was much to escape from and, in remorseless fact, no way to escape from it. On a night soon after the "Jew boys" report appeared in *The Times*, Julie Nixon Eisenhower telephoned Leonard Garment, a Jewish assistant to the President, at Garment's home in a Virginia suburb. Mrs. Eisenhower said her father wanted Garment to come immediately to the White House. It was 10 o'clock when Garment joined the President and Julie at the mansion, in the Lincoln sitting room. Garment said afterward that the President wasn't bitter, wasn't angry. But he was vehement in his insistence that he never called federal Judge John Sirica a "wop" and never referred to lawyers at the Securities and Exchange Commission as "those Jew boys." Mr. Nixon instructed Garment to do everything he could to correct the report and, if possible, to persuade *The Times* to retract its story. Garment and another White House lawyer, Fred Buzhardt, made what seemed to me to be a persuasive case that the reported remarks did not occur on any of the three tapes on which they were said to have been heard. Garment and Buzhardt hoped for while that federal Judge Lee Gagliardi, to whom the three tapes had been submitted for use in the recent trial of former Attorney General John Mitchell and former Secretary of Commerce Maurice Stans in New York, would say that he'd listened to the tapes and had not heard the President say what he was reported to have said. Gagliardi said nothing. The White House denials were duly reported, in *The Times* and elsewhere. But the denials were not enough to erase the story's ugly impact. The episode perfectly illustrated the Presi-

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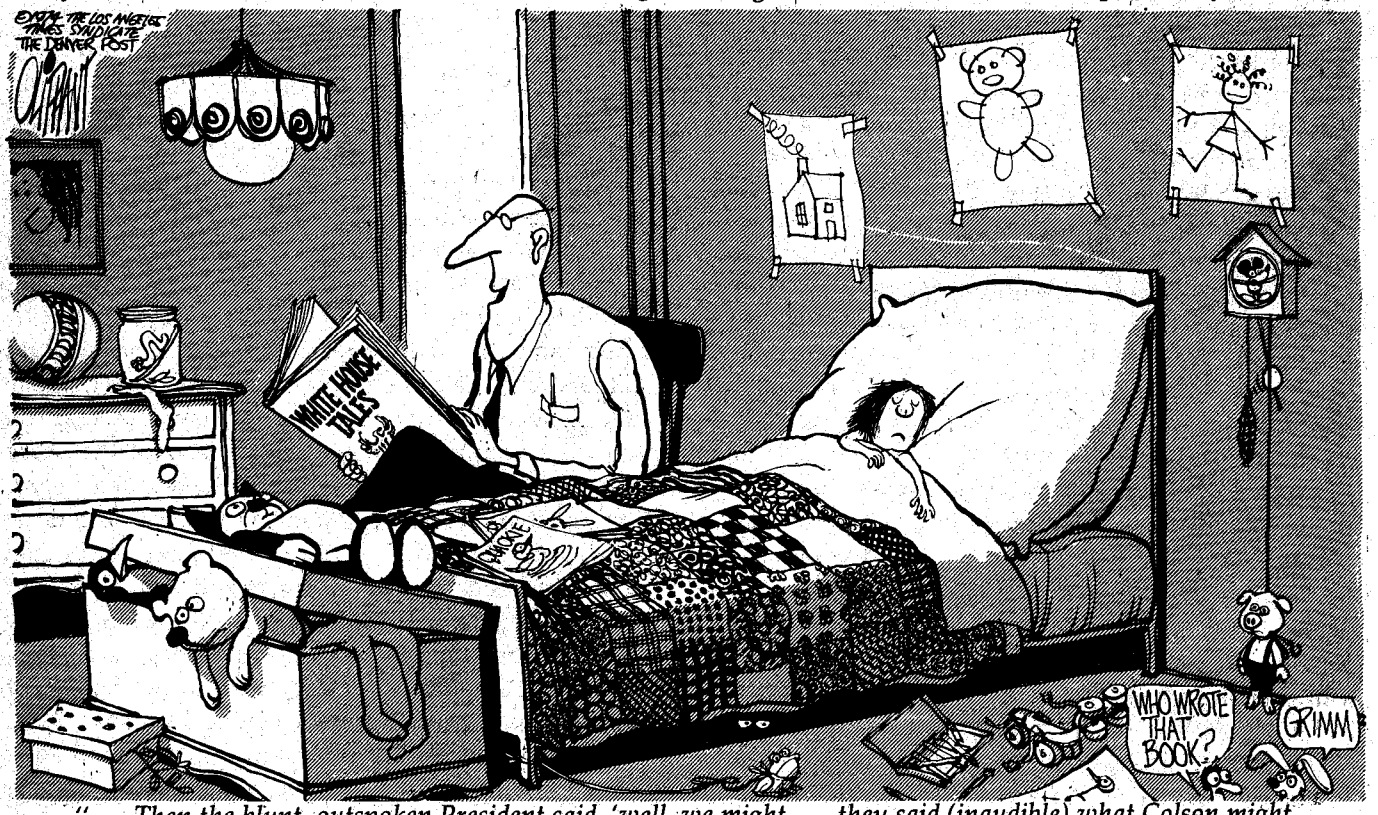
dent's dilemma. His assistants were believed when they admitted, as they had to and did, that he was prone to waspish remarks about "our Jewish friends" and to somewhat similar references to other ethnic groups. But, Nixon credibility on any subject being as near zero as it was, the same assistants were not believed when they asserted that the President never used what would commonly be considered racial epithets and that, in particular, he had not said "Jew boys" and "wop" during the three conversations in immediate question. The only way to have had this last claim believed and reported as true would have been to let reporters listen to all of the three tapes involved. White House lawyers vetoed a suggestion that this be done, arguing that it would destroy the last remnants of the President's tattered claim to privileged confidentiality.

How the President who sets such store by confidentiality and who relies upon it as strongly as this President does to shield him from further disclosure could have brought himself or been brought by others to install the Nixon taping system continues to be one of the abiding mysteries. In the only individual interview that he has granted since 1972, Mr. Nixon indicated to a columnist, James J. Kilpatrick, on May 16 that H. R. Haldeman first suggested that presidential conversations be recorded "for historical purposes." Alexander Butterfield, the former White House assistant who supervised the installation and operation of the system and revealed its existence to the Senate Watergate committee last July, indicated in his testimony that the President wanted it "to record things for posterity." Butterfield said the President "seemed to be totally, really oblivious" to the fact that his private conversations were being recorded and observed that he was "certainly uninhibited by this fact." The President told Kilpatrick, "I must say that after the system was put in, as the transcribed conversations clearly indicated, I wasn't talking with knowledge or with feeling that the tapes were there. Otherwise I might have talked differently." This appears to have been true for at least part and maybe most of the time that the system was working. But, questions of Watergate guilt and innocence aside, one of the most interesting passages in the transcripts released on April 30 shows that Mr. Nixon was vividly aware of tapes and taping on April 14, 1973.

The President was talking in his alternate office in the Executive Office Building with Bob Haldeman and John Ehrlichman. Ehrlichman was to meet in his own office later that day with Jeb Stuart Magruder, former deputy director of the 1972 Committee for the Reelection of the President, and then with former Attorney General Mitchell. Magruder had decided to quit lying and tell a grand jury about his and others' responsibility for the original Watergate burglary and bugging. The President, Haldeman and Ehrlichman had concluded that Mitchell had approved the plans that led to the Watergate bugging. They hoped to persuade him to admit as much and thus keep the blame away from the President. From the transcript:

E: I would like a record of my conversation with both Magruder and Mitchell. I think personally that maybe



". . . Then the blunt, outspoken President said, 'well, we might . . . they said (inaudible) what Colson might (expletive deleted) . . . and get the (inaudible) money and what the (expletive deleted) is going on?' To which the loyal Haldeman replied 'yeah.' . . ."

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I ought to get my office geared up so that I can do that.
P: (Unintelligible) or do you remove that equipment?
E: Yeah.
P: I do here for my meetings with Henry but I don't know . . . Why don't you just gear it up? Do you know, do you have a way to gear it up?
E: Yeah. I've done it before.
P: Well, go gear it.

The President then told Ehrlichman that he wanted to know what Mitchell said, but didn't want to hear the record. Ehrlichman used an IBM dictating machine to record telephone calls and a small tape recorder to record office conversations. His record of the Mitchell and Magruder talks was on an ordinary tape cassette. Stephen Bull, who replaced Butterfield in charge of the central taping system, and others at the White House, say they don't know what Mr. Nixon meant with his reference to his "meetings with Henry." He certainly did not mean that he "removed that equipment" or halted the central taping when he talked with Henry Kissinger. The office conversations with Kissinger were recorded and Kissinger's voice is said to be among the clearest on the Nixon tapes.

John Osborne

How Might Mr. Nixon Defend Himself?

A remarkable thing happened a few weeks ago after a jury in a Manhattan federal court acquitted John Mitchell and Maurice Stans. The defendants and their lawyers rejoiced, naturally. But the government that had prosecuted them displayed a split personality. Its representatives in New York, who had conducted the prosecution in its behalf, were glum; they had been defeated. But its chief executive, chief magistrate and chief law enforcement officer, the President, rejoiced; it was the best news he had had in many a week. Yet these glum, defeated prosecutors in New York are the President's subordinates. They sought the indictment and conducted the trial in discharge of the President's constitutional responsibility to take care that the laws be faithfully executed. They represented the government that the President heads—and the government is what the prosecution is called in federal criminal cases. Their defeat, one should have thought, was the President's defeat. It is fitting that the government not bewail such defeats too much, for its objective is justice, and juries are presumed to do justice. But rejoice?

The episode is worth dwelling on, for it helps expose a fallacy at the core of the defense theory Mr. Nixon will apparently use against an article of impeachment charging his participation in the Watergate cover-up.

The defense theory, one gathers, begins with the proposition that the President can only be impeached on allegations that he has committed a criminal offense, on facts tending to show that he has violated some specific provision of the criminal code—in this case the provision punishing obstruction of justice. Accepting this much of the theory for the moment, one proceeds to read the White House transcripts, bearing in mind that the President is to be imagined as a man just like anyone else for purposes of determining whether he has committed the crime of obstructing justice.

Now there is other evidence, no doubt, that may point more this way or that, but on the basis of the transcripts, and continuing to imagine the President as a private person, it appears to this lawyer at least that the President is clearly indictable for taking part in a conspiracy to obstruct justice. Whether he would be convicted is another matter, but that is not the issue. The proposition advanced in behalf of the President cannot be that he is impeachable only if a trial jury would find him guilty—who can predict that?—but rather that he is impeachable only if, as a private person, he would be indictable because in the judgment of a prosecutor and a grand jury he is probably guilty. The Senate will be the trial judge and jury.

Some defense theory, then, for a President who appears in such transcripts! It is fortunate, therefore, that the theory does not stop here. Rather it veers off in a new and startling direction. Do not, the defense theory now proceeds to admonish us, let your imaginations run wild. The President is the President. He has functions and attributes that a private person does not have. The President is in truth not even indictable. He can only be impeached. He is thus signally different from ordinary people to whom the criminal code applies. You are nevertheless to imagine the President is subject to the criminal code and can be indicted. Having so imagined, however, you are then to ask, not whether the President could be indicted if his actions had been those of a private person, whether he could be indicted for the actions he took as President.

This sharp turn in the theory is critical. It is intended to make the theory virtually fail-safe, to provide assurance against a cover-up indictment on just about any now foreseeable factual showing, save only perhaps a showing that the President was privy from the beginning to the entire hush-money intrigue. For the argument from this turn in the theory is that the President, being the government's chief law enforcement officer, has the duty to supervise, and plenary power, if he sees fit to exercise rather than delegate it, to direct all aspects of the government's prosecutorial function. It is the President's ultimate responsibility and function, for example, to decide which smaller fry is to be stroked into the belief that he remains in the government's good graces in order to extract from him evidence that will support prosecution of a Big Enchilada, or of him-

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self. It is for the President to decide, in a complex case, how long to keep an investigation quiet, so as to give possible culprits a false sense of security, whether to offer any immunity or plea bargains, when to proceed against whom and on what grounds, and against whom not to proceed at all for reasons of state or of compassion.

If we must view the President as President, there are plausible explanations for what he is known to have said and done, of which no private person could avail himself. Does the President talk about hush money and send a batch of suspects out to talk about it with yet another suspect (Mitchell, the Big Enchilada)? Certainly. He is investigating. He is, so to speak, an undercover agent, leading the suspects on to the brink of entrapping them. Does the President test the suspects on how they would behave before a grand jury? Does he consider whether to cooperate with a senatorial investigation that might prejudice criminal proceedings or whether to frustrate that investigation and bring the suspects before a grand jury? Of course; that is a decision he must make. Does he require subordinates in the Department of Justice to report to him on the evidence that they and a grand jury are also gathering? Surely. He has taken charge as chief law enforcement officer, and is directing and coordinating the entire prosecutorial effort. Is he concerned that the investigation stop short of presenting to a grand jury certain other activities that he considers affect national security? Indeed. That is why the functions of chief executive and chief law enforcement officer are merged, so that when the occasion warrants, prosecutorial discretion can be exercised at the summit, by the one official who has a comprehensive view of the public interest, not by some specialist whose vision is necessarily limited, although sufficient unto the ordinary case. Does the President delay the start of formal proceedings by his law enforcement subordinates? Yes, until he has satisfied himself that he has all the facts he needs to make his decisions. For they are his decisions. And the delays are legitimate, even though he then acts not so much in his own good time, when he is ready, but rather when events over which he has no control or has omitted to exercise control force his hand. That is no proof that in his own good time he would not have acted, or that things would not have turned out better in the public interest and in the interest of justice if events had permitted him to hold to his deliberate course.

Is this obstruction of justice? In a private individual, perhaps, the argument continues, in whom any similar action would necessarily bespeak a criminal intent, but not in a President, whose responsibilities and functions—whether or not, in hindsight, wisely and effectively exercised—can explain his actions. The criminal code does not punish the ineffective or unwise exercise of the prosecutorial function by the President or by any other official. It may apply to the corrupt exercise of the function or to the unexplained suppression of a valid prosecution, but where in the Watergate evidence is there any showing of that? What prosecution was suppressed? To indict a President for a politically motivated exercise of prosecutorial discretion would go beyond the meaning and intent of the statute defining the crime of obstruction of justice; and beyond any proper use of the criminal sanction in any case, since the judgment called for would be more political than legal in nature. On the other hand, to impeach the President because he exercised legitimate powers ineffectively or unwisely, or because the legislature suspects his motives or views them as political, when what he did was not forbidden by law and is not a crime, would fatally alter our form of government, which consists of a legislature and an executive independent of and separate from each other. Impeachment must be restricted to indictable offenses, or the power to impeach will run riot. There is no indictable offense here. Q.E.D. The circle is closed. Thus, apparently, runs the President's defense.

It is all too clever by half. The President for whom the Mitchell-Stans acquittal was the best news in weeks does not approach Watergate as the government's chief law enforcement officer. And the President who maintains the innocence of his severed right and left arms—Haldeman and Ehrlichman—is not speaking as the chief law enforcement officer, for prosecutors do not go forward with indictments of people who they believe are innocent. To do so would be a culpable act in a prosecutor.

The fiction of the President as chief law enforcement officer in the Watergate case has been stripped away by his public statements and behavior. The White House transcripts, read in their entirety as the President (self-deluded or self-destructive?) enjoined us to read them, strip it away at the relevant times in 1972 and 1973.

This does not mean that the President attempted anything but the use of his powers as chief law enforcement officer in the Watergate case—powers that he alone possesses, and whose full and exclusive exercise he relinquished only under massive political pressures. It means that he abused those powers grossly, albeit unsuccessfully. It may be difficult to construe the provisions of the federal code concerning obstruction of justice so as to make them cover such an abuse of power. The code was, after all, not drafted with Presidents in mind. But there is no need to torture either the provisions of the code or the facts of this case so as to force a technically perfect docking between them. Nor is there need to engage in an endless debate over the quiddity of an impeachable offense, ranging from arbitrarily literal readings of the Constitution on the one hand, to researches into 17th- and 18th-century English practice on the other. There is ample support in our own more relevant history and,

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most particularly, in the common sense of our system as it has evolved, for a quite minimal position, quite favorable to the President, and yet adequate in this case. It is that an impeachable offense is made out by a showing of gross abuse of power, analogous but no more than analogous to what would be an indictable act of obstruction of justice if committed by a private person exercising no official function.

The issue posed for the House and for the Senate by this conception of an impeachable offense does concern motives. It does call for a judgment of what is tolerable in the exercise of power for political ends and what is beyond the pale. It does turn on standards that may defy general formulation in a legal code, and that may be ill-defined by the statute punishing obstruction of justice. It is in a high sense a political judgment, not to be relegated to a prosecutor and grand jury. It belongs therefore to Congress, exercising the impeachment power with due regard to the necessary autonomy of the executive branch, and in light of relevant analogies drawn from the criminal code. But Congress need not act as if it were prosecutor and grand jury enforcing the existing criminal code, and limited by the code's strict intent and definitions.

Alexander M. Bickel

Copping a Plea

Kleindienst & Co.

What goes on here? Two months ago Special Prosecutor Leon Jaworski secured a perjury indictment against Gov. Ed Reinecke of California, a very minor figure in the investigation of "the ITT matter." Mr. Reinecke was charged with lying to the Senate Judiciary Committee during the 1972 Kleindienst confirmation hearings when he said he had discussed ITT's $400,000 convention pledge with Attorney General John Mitchell in September 1971 (after the settlement of the antitrust suits against ITT), when in fact Reinecke had spoken to Mitchell about the pledge in May (when the settlement was under negotiation).

Two weeks ago Mr. Jaworski allowed former Attorney General Richard G. Kleindienst, who had lied at his own confirmation hearings, to plead guilty to a misdemeanor—refusing to testify to a congressional committee. The minimum sentence, which the judge can suspend, is one month in jail and a $100 fine.

It was well known that Kleindienst's lawyers had been plea-bargaining with the special prosecutor's office for weeks. The problem for Kleindienst was that he faced a possible perjury indictment, that perjury is a felony, and that a plea to that charge would have meant automatic disbarment.

The problem for Jaworski was that Kleindienst had lied several times. Furthermore Kleindienst was a major figure in the ITT investigation. Mitchell having recused himself in the antitrust cases, Kleindienst, as deputy attorney general, had been in overall charge. Although Kleindienst had begun by telling the Senate Judiciary Committee that the settlement was "handled and negotiated exclusively" by Richard W. McLaren, assistant attorney general for antitrust litigation, Kleindienst finally conceded that "I guess I set in motion a series of events by which McLaren became persuaded that . . . he ought to come off his position with respect to divestiture of Hartford [Fire Insurance Co.] by ITT."

The bargainers found a solution in Title 2, US Code, Section 192. It would be interesting to know who suggested this refuge—the prosecutor's office or Kleindienst's attorneys. At any rate the refuge seemed logically and legally tenuous to many lawyers. A "court source" quoted by *The Washington Post* characterized the arrangement as "a creative use of an inapplicable statute." The statute says that it is a misdemeanor to refuse to testify. Because Kleindienst failed to answer the Judiciary Committee's questions "accurately and fully," said Jaworski, he "did thereby refuse to answer questions" on communications between himself and the President, the White House staff and John Mitchell involving the antitrust cases. In short, because Kleindienst did not tell the truth, he refused to testify.

But Kleindienst did not refuse to testify. He simply testified untruthfully. Here are the key exchanges:

Sen. Hart: What discussions did you have with John Mitchell with respect to any aspect of the ITT case?
Kleindienst: None.
Sen. Kennedy: And during this period of time, was there any contact between ITT and you, directly or indirectly?
Kleindienst: No, sir, no sir.
Kennedy: Or from the White House?
Kleindienst: No, sir.

In a now famous exchange with Kennedy, Kleindienst said: "[As] I have testified fully: in the discharge of my responsibilities as the Acting Attorney General in these cases, I was not interfered with by anybody at the White House. I was not importuned; I was not pressured; I was not directed. I did not have conferences with respect to what I should or should not do."

Last October *The New York Times* disclosed that on April 19, 1971 John Ehrlichman, at the President's direction, had called Mr. Kleindienst and ordered him not to appeal one of the ITT cases lost in the lower court to the Supreme Court, and that on his refusal to comply, Mr. Nixon, employing an expletive, had personally commanded Kleindienst to abandon an appeal. Whereupon Kleindienst threatened to resign if the President persisted. Kleindienst and the President

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later confirmed this account.

In a letter to Kleindienst's attorney, Herbert J. Miller, Jr., recording the understanding reached on the plea, Jaworski stated that he took into account Kleindienst's opposition to the President's order which, he says, would have left the government "without any relief" in its suit against ITT.

The full story is a little more complicated and does not put Kleindienst in such a heroic posture. The day after the President's order, Kleindienst directed Solicitor General Erwin Griswold to request a 30-day extension of the time to file an appeal. This is exactly what ITT lawyer Lawrence E. Walsh had proposed to Kleindienst in order to work out an agreement. That same day, April 20, Kleindienst held a private meeting—arranged four days earlier—with Felix G. Rohatyn, an ITT board member, that paved the way for the eventual settlement. (There were to be four more private meetings between them.)

At the urging of Mitchell, the President reversed his decision against no appeal of the ITT case. The appeal was filed a month later. ITT received three extensions for a response to the appeal while negotiations proceeded on a settlement.

The settlement was announced on July 31. It permitted ITT to retain Hartford Fire Insurance Company. This had been ITT President Harold S. Geneen's objective in the negotiations. The appeal to the Supreme Court was dismissed on the government's motion.

Kleindienst had played out his role in the scenario prepared by ITT's lawyers.

Jaworski also said that "another important factor" in his agreeing to Kleindienst's plea "relates to Mr. Kleindienst having come forward voluntarily and disclosed information material to the investigation."

Kleindienst did come forward—in early October 1973, nearly three months after Alexander Butterfield revealed the existence of the presidential tapes at the Senate Watergate hearings.

But what about Reinecke? He came forward and offered to cooperate in the hopes of leniency as early as mid-July 1973. He delivered to Joseph J. Connolly, assistant special prosecutor in charge of the ITT investigation, records of phone calls to Mitchell and other documents. He admitted meeting Mitchell in May 1971.

It may be, as Connolly convinced the court two weeks ago in reply to Reinecke's motion to dismiss the indictment, that Connolly never firmly promised Reinecke that he would not be indicted if he cooperated. But Connolly did acknowledge that he had warned Reinecke against talking to reporters because he was certain to get involved in contradictions that would impair his credibility as a witness.

Yet Reinecke was indicted on three perjury counts, each of which carries a maximum penalty of five years or a fine of $2000, or both.

Richard J. Davis, another assistant special prosecutor, told Federal District Judge Barrington Parker during the arguments on Reinecke's dismissal motion, that the indictment rested on Reinecke's "intent" when he lied to the Judiciary Committee—did he intend to deceive or was he confused? And that, Davis said, would be the central issue at trial.

But what about Kleindienst's intent when he said he had not talked to the President, the White House staff or Mitchell?

And what about Mitchell? It is quite obvious that, in the Reinecke and Kleindienst cases, the special prosecutor's office is aiming for Mitchell. And there is no question that if they lied, so did Mitchell.

Testifying on March 14, 1972 (before Reinecke testified), Mitchell was asked by Sen. Tunney: "Did Mr. Reinecke ever discuss . . . in May or April, the ITT offer to bring the Republican convention to San Diego?"

Mitchell: "No, Senator. As far as I can tell, Mr. Reinecke must have had me mixed up with somebody else because he didn't meet me in May, and I have also read in the paper he has retracted that statement since then [in March to reporters] about that meeting in May."

In response to a question by Sen. Ervin, Mitchell said: "Mr. Kleindienst has never discussed with me the ITT litigation or the negotiations relating thereto. . . ."

And to a question by Sen. Hruska, he replied: ". . . specifically, with respect to ITT or any other litigation, no, I have never talked to the President about it."

It is apparently true, of course, that Mitchell, unlike Kleindienst, has not cooperated with the prosecutor's office. Nevertheless, after the acceptance of the Kleindienst plea, could not Mitchell's lawyers, if he is indicted for perjury in the ITT matter, justifiably argue that the inapplicable statute be applied to him, namely that in lying, he merely refused to testify?

But more is involved here than legal stratagems. There is a moral question, just as there is in consideration of the President's conduct. Certainly citizens have a right to expect that an Attorney General, the nation's chief legal officer, not exempt himself from the laws on perjury or, having done so, not be able to cop a plea by cooperating in the investigation of more politically prominent suspects.

In a recent study on presidential responsibility, the American Civil Liberties Union said: "The courts have said, those who reap the honors of public office must by their own behavior sow respect for the law among the general public." The ACLU cited a Supreme Court justice in *Screws v. the United States* (1944): "Ignorance of the law is no excuse for men in general. It is less an excuse for men whose special duty is to apply it, and therefore to know and observe it."

E. W. Kenworthy

MR. KENWORTHY *reports for* The New York Times.

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The French Election

From Pompidou to Giscard d'Estaing

by Stanley Hoffmann

The narrow victory of Valéry Giscard d'Estaing over François Mitterrand opens a second phase in the history of the Fifth Republic. It represents both the triumph and the demise of Gaullism. This only sounds like a paradox. Gaullism has many meanings.

There is a substantive meaning: a strong presidency, a distrust of parties, a commitment to national independence and also to a European entity compatible with it and endowed with a will of its own, economic modernization, mild social reformism designed to make industrialization bearable. This is the Gaullism that has passed into the national bloodstream. Both Giscard and Mitterrand adopted its main tenets. The unprecedented huge turnout at the polls, the increasing convergence of the candidates' platforms show that the popular election of the President, the heart of the constitutional system, is deeply rooted, and that it moderates the contest for power in the same way as two-party systems do it elsewhere. Giscard's whole career has been associated with the Fifth Republic, which his rival had opposed from the start. So far the regime's defenders have won every election and referendum since 1968, except the referendum of April 1969. Had Mitterrand been elected, he would have needed all the powers of the presidency to govern despite the expected pressure of his Communist allies. His defeat is undoubtedly due in part to the considerable distrust that the French Communist party still inspires, in spite of its recent democratic coat of paint and the meekness of its campaign. Giscard's victory is that of a man who—à la de Gaulle—attached himself to no program (he offered "perspectives," while the unworkable Common Program of the left became an albatross around Mitterrand's neck). Giscard addressed himself to all parties and groups and was tied to none (his own little party was never more than a well grounded, well oiled springboard). He benefited from popular discontent with party machines: not only the Communists', but also the Gaullists'.

This is where the irony of the situation becomes apparent. The Gaullist party had no alternative, after the disastrous showing of Jacques Chaban-Delmas on the first ballot, but to support Giscard, and thus resign itself not only to the loss of the presidency, but also to the eventual loss of its dominant role in the majority that supports the President (for Giscard had "opened" the majority by adding to it the so-called *Réformateurs* of Lecanuet and Servan-Schreiber). Without the Gaullist votes, Giscard could not have been elected, and the Gaullist deputies still constitute three-fifths of Giscard's majority in the National Assembly. But if one remembers that many of them had adopted the Gaullist label only in order to be elected as supporters, first of de Gaulle, and later of Pompidou, one can expect quite a number of them from now on to follow Giscard rather than the Gaullist party's old guard, and one can expect Giscard to create or attract his own "movement," a blend of *Réformateurs* and old Giscardiens. If by Gaullism we mean the Gaullist *party*, the election of Giscard may well signify the beginning of the end, through gradual erosion or brutal division.

And yet if by Gaullism we mean the specific policy and strategy of Pompidou, this demise of the Gaullist party represents the very culmination of the late President's design: never has a sorcerer's apprentice been more successful. There were always two Gaullist policies at the service of "substantive" Gaullism. The General wanted Gaullism to be neither left nor right. Until 1968 he enjoyed considerable support from workers, employees and civil servants who had earlier voted for the left. His record, his foreign policy, his style and his halting and vague drive for "participation" had broad appeal on the left. Pompidou—Premier since 1962—represented a different current, far more conservative. He was eager to reconcile a Gaullist political class largely composed of ex-civil servants and war heroes with the moderate, small town notables who were the traditional pillars of French political life on the right. He wanted to give to de Gaulle's favorite formula—a recurrent "rally" around the leader—the grass roots, and therefore the staying power it lacked, especially among farmers, shopkeepers and professional classes. The two currents were alternatively complementary and conflicting. They had already first coexisted in, and later torn apart, de Gaulle's RPF, which he had founded in opposition to the Fourth Republic in 1947 and which exploded in 1952. Between 1962 and 1968 the two currents coexisted again. After May 1968 de Gaulle, having ousted Pompidou, tried to make his version prevail once and for all. But he had lost too much support on the left, and he now also found himself deserted by a part of the conservative

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vote—including Giscard: hence his failure at the referendum of April 1969. Pompidou's election allowed him to promote his strategy practically unimpeded, with Giscard as Finance Minister. When Chaban-Delmas, his Premier, who leaned toward de Gaulle's stance, tried to pursue his own "reformist" line, Pompidou first stopped and later fired him. Pompidou's conservative strategy was aimed at a kind of French toryism. Since it wanted to turn France into a major industrial power, it was quite different from the socially reactionary French right of the '30s and even '50s. But it assumed that there was nothing to be gained by courting the workers, or by thorough reforms of the causes of inequality (in the tax system, in education, in territorial representation, in the factories, etc.).

Pompidou left his task unfinished: the *Réformateurs* whose domestic policies were mostly hard to distinguish from his own and whose electorate tended anyhow to support his candidates against the left in legislative elections, remained formally outside his majority coalition, separated from it by their hatred of those "usurpers" of power: the Gaullist party. But the irony of his work lies in the fact that it was bound to lead to the demise of that party (in that sense Pompidou may well appear in history as a transitional figure, between the plebiscitarian rule of de Gaulle and the modern conservatism of Giscard). It was much easier for a nonmember and unloved ally of the Gaullist party such as Giscard to obtain the entry of the *Réformateurs* into the majority. Moreover grass-roots conservatism was more likely to grow around a genuine product of France's conservative traditions, such as Giscard—scion of two families of Auvergne and Paris notables—than around anyone else, especially someone who painted himself so openly (if fuzzily) as a social reformer as Chaban-Delmas: that part of the Gaullist party led by Pompidou's confidant Chirac, and that part of the Gaullist party's electorate that had most eagerly supported Pompidou had already deserted Chaban-Delmas on the first ballot, thus ensuring Giscard's victory over him. When Giscard presented himself as Pompidou's heir, it must have been with a fine blend of wryness and sincerity.

But Pompidou's policy, while leading to Giscard's victory over the Gaullist party in the conservative sweepstakes, may have played sorcerer's apprentice in a second way as well. For the electoral base of the conservative coalition is narrow and shrinking. A majority of the French under 35 is for the left, those from 35 to 49 seem evenly split, and the left keeps progressing among employees, middle-rank executives and inhabitants of large cities. In the long run industrialization may well help the left. In the presidential elections of 1965 Mitterrand got 45 percent of the vote against de Gaulle. At the legislative elections of March 1973, on the first ballot, the left obtained a little less than 47 percent of the vote; this time Mitterrand got a little above 49 percent. This may explain why his supporters seemed not at all discouraged, and almost a bit relieved: all the difficulties of governing in a period of high inflation and workers' discontent will be Giscard's; since the left is convinced that his own majority won't let him go very far on the road of social reform, it feels confident about winning the next round—the legislative elections, in or even before 1978. By then anti-communism may well be threadbare—even now the Communist vote is a minority of the left electorate: a new phenomenon due to Mitterrand.

Indeed Giscard's fate is not enviable. He has made extensive and costly promises of income redistribution, including many measures that he had blocked for years as a Finance Minister devoted to balanced budgets. He cannot renege without provoking union resistance (and having come so close to victory, the unions are unlikely to be timid); however he must also cope with inflation and the balance of payments difficulties provoked by the rise in oil prices. He has promised an energetic *relance* of Europe, and yet it is hard to expect more than an effort to stop the unraveling of the Common Market; both his and Helmut Schmidt's first priorities are domestic, and any true *relance* supposes both a willingness of the Europeans to coordinate all kinds of policies and a determination to take a common stand toward Washington—two conditions that are glaringly missing, especially but not principally because of Britain's tactics. Finally Giscard's new "open" majority is led by a deeply heterogeneous political class: there will be settlements of accounts within the Gaullist party, the latter's suspicion that Giscard will try to reduce it to relative insignificance and to deprive it of its enormous patronage will be as intense as its attempts to make the most of its key position in the Assembly, and the *Réformateurs*' appetites will be fierce. Had Mitterrand lost badly the Socialist-Communist alliance might have collapsed. It did well enough, and on the second ballot attracted enough votes (including a sizable fraction of Chaban voters) to prosper.

This election should not delight those in Washington who have been waiting for France's return to Atlantic orthodoxy: not only is the vote of the left too high for such a delusion, but Giscard himself owes his election in part to the public's conviction that he would cut a grander figure in foreign affairs than his less experienced rival (in a poll the margin in Giscard's favor on this point was two to one, even though Mitterrand's score exceeded his on almost all issues of economic

COMING: Eliot Marshall's report on the coal strike in Harlan County, Kentucky

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and social policy: the French do care about their presence in the world). Nor was this an election that brought any answers for the three key problems that command France's future: the deep-seated causes of inequality, the imbalance between a changing society whose modes of representation are obsolete and a pervasive state, an effective role for France between the superpowers and the "new rich" of the developing world. Giscard was vague out of prudence, Mitterrand because of his own coalition's contradictions.

And yet this was an election in which each rival tried to appear as the man of the future. Giscard accused Mitterrand—nine years his senior—of only talking about the past, largely because the prospects of the left alliance in power were far too cloudy. Mitterrand never stopped stressing that France's youth was behind him. If Giscard is to win his gamble about an ever widening majority, he will have to show qualities of both statecraft and political skill far beyond those that have already put him into the Elysée Palace. Like Pompidou he has succeeded through intelligence, competence, hard work, cunning, personal authority, secretiveness, a rather direct style of eloquence, and formidable ambition; like Pompidou he has not revealed any shining imagination; more than Pompidou, who could rely on the docile mass of the Gaullist party, he will have to be a superb political operator, and he comes to power at a moment far more difficult than any under his predecessor's rule. His first choices—a new Premier and new cabinet ministers—and his first measures of financial and social policy will begin to reveal whether he is more than the supremely self-confident, cool, brainy calculator he has appeared to be in the past.

Desegregation Now

Black, White and Brown

by David K. Cohen

Twenty years ago the US Supreme Court outlawed school segregation in the South. Now, however, on *Brown*'s 20th birthday, its meaning in the cities is a puzzle. There is growing evidence of a legal basis for desegregation in Northern cities, but there is lessening pressure from blacks for such action and growing pressure from whites against it. The decision was framed to meet a very clear and pervasive system of segregation, which had been devised by general-purpose Southern state agencies—chiefly legislatures—and it was written long before Southern cities had majority black populations. Now it is being extended to cover an unclear but quite pervasive pattern of Northern segregation, which was devised partly by a host of diverse and specialized agencies at all levels of state, federal and local government, and the segregation often involves more than one jurisdiction.

It is no fault of the *Brown* decision, of course, that segregation has changed in 20 years, or that it was arranged differently in the North than in the South. Nonetheless, we are not yet sure how useful a tool it will be to confront matters in the cities. This is not to say that some other decision might be better, though. In Denver and Detroit the courts face a problem that has been caused by many agencies besides the schools, but for the purposes of remedy all the courts have to work with is the schools. They have facts that suggest a pervasive pattern of state action in causing segregation, but legal theories and political realities that might not bear the weight of anything approaching complete desegregation. None of these problems are inherent in the decision itself—unless one counts the fact that the NAACP sued schools rather than the whole society—but all of them suggest great problems facing its enforcement in the cities. *Brown*'s situation seems schizophrenic. It has a distinguished past, including extensive desegregation of Southern schools, waves of similar effects on public accommodations, and a growing impact on the law governing students' right to an education. In the North, however, while it seems likely that the decision will be widely applied as a legal matter, it may have limited practical effect on segregation.

Another source of confusion about *Brown* in the North concerns desegregation's impact on students. The decision encouraged the impression that desegregation would have an important effect on black stu-

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dents' performance in school and later life. The Court had argued that segregation damaged black students' "minds and hearts," that this occurred because of the negative stigma segregation attached to black institutions, and that this damage was so serious that it was "unlikely ever to be undone" in segregated institutions. In the Court's mind, one reason segregation was bad was because of its crippling effects on the school performance of black children.

Americans had long equated school performance with standardized test scores, and it was certainly likely that desegregation would be judged in the same terms. But several developments following *Brown* made this likelihood into a sure thing. One was the national spasm over Sputnik. Characteristically America's response to a national problem was school reform. The science education furor reinforced the idea that schools were supposed to produce achievement scores —preferably high ones.

This notion was highlighted in a different way by alarm over slum schools that began to mount in the late 1950s. Big city school managers were upset about rising black enrollments, and the Ford Foundation was seeking new fields for city reform, fresh from its jousts with urban renewal. They joined efforts in a series of city school improvement projects. The problems, they thought, were really self-evident: underachievement, dropouts and delinquency. It was assumed that the first caused the second, and the second caused the third. The projects and the ensuing studies sought to focus public attention on the problem of "cultural deprivation," and to organize concern about low achievement scores and high dropout rates in slum schools. They succeeded. Since slum schools mostly meant black schools, this helped cement connections in the public mind between black schools and low scores, and that naturally helped define the solution as higher achievement.

The notion that desegregation was supposed to raise test scores also was reinforced by the reaction to openly racist publicists and social scientists. They intervened and argued in several school suits that while the decision would not help black students, it would hurt white ones. Blacks, they held, were intellectually inferior for genetic reasons and unlikely to have their test scores raised by integration. White scores, however, were sure to be badly affected by exposure to blacks.

This nonsense got relatively little attention in the national media—nothing like *l'affaire* Jensen a few years ago—but it had an important effect on those black and white social scientists and educators who were already committed to school integration. They naturally saw the racist propaganda as the enemy, and thought it important to prove it wrong. As a result, the agenda for social research on integration was early fixed on the question of how it helped blacks and didn't hurt whites. Racist propaganda helped cast the issue as a matter of test performance.

For all these reasons, then, by the mid-1960s it was widely believed that integration could boost school achievement. There were, for example, several court cases in which segregation appeared to defy remedy; federal judges in these instances suggested that in the case of desegregation, *Brown* probably obligated the schools to bring black test scores up to par. They reasoned that if racial equality couldn't be provided by desegregation, at least schools should provide the result of main interest. Civil rights lawyers and some school reformers took roughly the same tack, arguing that *Brown* established an affirmative obligation on the schools' part to achieve equal school outcomes between black and white students.

Whatever else one thinks about these notions, two points are indisputable. First they reveal that *Brown* and its ensuing legal tradition mixed the idea of equal schools with the idea of effective schools. Beginning with the presumption that schools produce achievement, it was assumed that racially equal schools would be equally effective schools. Thus when desegregation seemed impossible, it was easy to argue that schools should create equally effective results.

Second, late in the 1960s these ideas had a horrible collision with research on the effects of schooling. Or rather, there were several collisions. First James Coleman's massive study *Equality of Educational Opportunity* astonished its authors and everyone else by finding that differences in schools' educational resources were only weakly related to differences in their educational outcomes. Schools that everyone had thought would be much more effective—those with better teachers, facilities and materials—turned out not to be. Second, evaluations of various compensatory education programs seemed to show that efforts to make slum schools more effective by allocating more resources didn't work. The programs failed to consistently produce larger achievement gains than occurred in ordinary schools. And third, evidence on the educational impact of desegregation (there had been none, really, at the time of *Brown)* began to accumulate as schools integrated. Sometimes it showed modest gains and sometimes it showed no change over expectations, but it never showed that desegregated schools came close to eliminating achievement differences between blacks and whites.

Bystanders and participants had various reactions. Some attacked the tests on the grounds that they measured achievement in ways biased against culturally different children; others questioned whether the tests actually measured the sorts of achievement schools try to produce. Some attacked the research on the grounds that it is technically questionable; others attacked the researchers on the grounds that they were politically obnoxious. Some tried to devise new schemes for making schools equally effective (performance con-

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tracting, and other forms of "accountability"), while others sought alternative standards of effectiveness. Some have wisely suggested that until thoroughgoing integration exists in schools, it would be foolish to make any definitive judgments about the consequences of racial mixing.

These developments are lively, but they serve only to emphasize the lack of any simple congruence between equal education in the old sense—providing schools with racially equal resources, including other students—and equal education in the new sense—producing students with racially equal outcomes. Equal education may still imply some sort of outcome standard, and effective schools are not impossible. But courts and other agencies of government may have a harder time placing an obligation on schools to be equally effective—or even more effective—simply because there is no longer any real consensus about what effectiveness is, how it might be measured, or why it occurs.

But if the equation between equal schools and effective schools has been put in doubt as a matter of fact, it seems unlikely that the idea will go away simply because of an irritating speck of research. America, like other developed societies, is experiencing a sea-change in its ideas about equality. From efforts to provide minimum guarantees against crisis and disaster by allocating resources a bit more equally, we are moving to a concern with disparities in social outcomes. Some of this is due to partial successes of the welfare state, some to general increases in living standards, and some to a concern with costs and efficiency. The idea that *Brown* guarantees—or ought to guarantee—equal results in schools is only one modest part of larger shifts in egalitarian thought.

It seems unlikely that the *Brown* decision will soon be interpreted to mean that schools have an obligation to produce equal results, but the decision is part of a shift in attention away from social resources to social results. This is sure to become an increasingly puzzling issue. In the *Brown* decision, and for roughly a decade afterward, it was possible to make the happy assumption that fairness in allocating resources would produce fairness in the distribution of results. Experience has since shattered that easy optimism, and it is not clear whether, or how, the two can be reconciled.

One thing does seem reasonably plain, though: *Brown* was epochal not simply because of its impact on race relations, but also because it was a remarkable synthesis of diverse ideas about equality, race and education. Many of these ideas, I have tried to suggest, were later wrenched apart. In one sense then, *Brown* was a first step, the beginning of a new age in American race relations. In another sense, however, it was a final summing up of optimistic ideas about equality that later began to disintegrate under the pressure of experience.

One of these assumptions was that racial mixing and racial equality were the same thing. Implementing *Brown* revealed that equality involved much more than desegregation—indeed, it showed that in some important respects the two must seem incompatible to blacks. Living in the shadow of the segregation system as we do, equality means ending racial barriers and tearing down Jim Crow institutions. But it also means erecting new barriers and declaring black independence from white domination—a domination that seems to be expressed even in conceptions of racial justice. As long as America had not really emerged from the age of *Plessy* this tension could not surface, but once *Brown* began to do its work, the old notion of justice-as-harmony gave way.

A second assumption was that segregation was a stark and simple evil, a problem writ large in Southern statute books that could be cleanly expunged. But efforts to implement and extend *Brown* gave the lie to this. School segregation in the North turned out to arise from a complicated concatenation of overt and covert, private and public actions. And in the great cities everywhere, segregation achieved proportions unimagined in 1954—increasingly it is less a problem within the cities than between cities and their suburbs. Both developments made it harder to justify integration, and harder to devise plausible desegregation schemes. But the clincher was that black population concentrations in the cities—which struck civil rights lawyers as a good reason for broader integration—came to strike blacks as a good basis for pursuing political power instead. The point is more compelling to blacks in view of white resistance to integration. In any event, the idea that segregation was a simple evil was shattered, and what was once an evil seems on the way to becoming an attractive alternative to integration.

The third assumption was that equal schools and equal students were somehow the same thing. This notion was suggested in *Brown* and made much more explicit later on. It had great appeal, but by the late 1960s research on the impact of desegregation and the effects of schooling had seriously shaken or destroyed this identification. One response to this trauma was to argue that integration is intrinsically desirable; another was to search for alternative ways of improving schools' effectiveness for minority students. But by the decision's 20th birthday, the idea that making schools' resources (including students) more equal would probably not make them dramatically more effective was just beginning to sink in.

On the decision's 20th birthday, then, we know enough to see that it has been a crucial positive agent in recent American history. On that score, celebrations seem warranted. But recent history has so unsettled our inherited ideas about equality—and produced enough intimations of a new racial *Thermidor*—that we find ourselves in a state of considerable uncertainty.

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Lynne Sharon Schwartz on theater

Tapes

(Oval Office)

With only a ravaged script of the original performance at our disposal, it is premature to offer any sound literary assessment of the new and immensely popular drama of Watergate, *Tapes*. It is safe to say, however, that the work, treating a theme of political intrigue in modified Elizabethan fashion, and brilliantly improvised by an all-male cast, is extraordinary in scope, power and originality. We can only hope that when the "inaudible" and "unintelligible" passages are restored by electronic equipment, the full beauty and coherence of the play—its *quidditas* or "whatness," as Joyce would say—will be revealed.

Drawing on a variety of rich sources, the drama is admittedly eclectic. Pirandello, naturally, comes first to mind. But *Tapes* goes daringly beyond Pirandello's innovations. Here are no mere six characters in domestic anguish seeking an author, but nearly a dozen powerful figures together creating a "scenario" in which each will play himself. Indeed each is simultaneously author and actor; each struggles with the painful knowledge that his script and performance will be limited by those of his fellow actors. We have, thus, a rare opportunity to observe the creative act in progress; the play within a play, so crucial in *Hamlet*, is no less effective in *Tapes*.

"I would like a scenario with regard to the presidential role," the character called the President, or P., states early on. Another, Dean, is no less assertive about his role: "I am a conduit." P. is concerned with staging:

P: Now we got a plan
On how we stage this damn thing in the first
Stages. Ron's got it all worked out.

And W., a minor character, advises, somewhat belatedly, "This thing, Mr. President, in my judgment has to be played in steps."

The audience is spared none of the indecision so often endemic to the early phases of artistic conception. It seems that the team once projected the play within a play as a musical comedy. "*P:* And, he's [Dean's] going to give me some song and dance." Later P. says, "Let me ask you this, fellas, you want me on the television?" Questions of genre abound: "*P:* What is his [Wilson's] reaction to the whole damned thing? Comic tragedy of errors? *H:* He didn't characterize it." Uncertainty even over the cast of characters is expressed:

P: I'm going to see him in the E.O.B.
He said he had been up most of the night
With Titus. Who is Titus?
E: U. S. Attorney
In the District.
P: And what's the other fellow's Name.
E: Silbert.
P: No, not Silbert.
E: Glanzer.
P: Petersen.

Mutual esthetic judgments are readily voiced. "*E:* He [Dean] brought in a lot of silly garbage." But Dean claims:

I don't think
I have lost my objectivity
At all in this. Do you know why?
(Unintelligible)

Ideas are developed cooperatively in antiphonal manner, reminiscent of operatic *recitativo:*

P: Yeah. He says (unintelligible) take care of your kids.
E: And I think Chuck's natural proclivities will
P: Do everything
E: Do anything we can possibly do.

An economy of style is apparent, often in stark words of one syllable:

P: Magruder just caved, but it had to come.
It had to come, Bob. It was going to come.
H: Yes, I think so. I think it had to and should.

And over the entire scenario looms the enigmatic figure of one Sirica who, like Godot, never appears but against whose judgment all acts are measured. Even the powerful P. shows awe and despair at the prospect of confronting Sirica:

Now Sirica's
Got to see the point of this. My goodness,
Because the point is Sirica's got
To realize he's getting bigger fish.

Imagery, as always, is the vital key to the panic that, just as in Pinter's works, shivers below the drab surface of the action. The images of suppression have been widely noted—"putting your fingers in the leaks," "button it up as well as you can"—but one audacious reference has been overlooked. A protagonist's warning, "we have to keep the cap on the bottle," is an echo from the "Story of the Fisherman" in the *Arabian Nights*. When the fisherman pried open the cap of the yellow jug that came up in his net

such thick smoke came out that he had to step back a pace or two. . . . When all the smoke was out of the jar it gathered itself together, and became a thick mass . . . a terrible-looking monster.

Images of food recall Shakespeare and the gourmand Elizabethans: Dean is the "hors d'oeuvre," Mitchell "the big enchilada," H. and E. "the big fish." H. comments, "We're in the soup," and E. refers to one character's coming up "with egg on his face." If P. fired everyone tainted by ugly Rumor, "the place would look like a piece of Swiss cheese." The "big enchilada," in a dubious metaphorical ragout, will be "thrown to the wolves," with far less ceremony than Brutus served up Caesar: "Let's carve him as a dish fit for the gods."

P. is far more concerned about his close colleagues, H. and E.: "the problem of you and John sort of being nibbled to death over a period of time," and he often expresses his gratitude to these noble men without whose aid the scenario would lose its savor. One thinks of Claudius and Gertrude:

Thanks, Haldeman and gentle Ehrlichman.
Thanks, Ehrlichman and gentle Haldeman.

But beyond bottles, "cans of worms" and food, the metaphor of water predominates, taking on Jungian breadth and drawing upon the unconscious shared heritage of the race. There are "undercurrents"; presidential aides will "get splashed with this"; "*E:* We are at kind of an ebb tide right now,"

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but, P. observes, "Yeah, they'll get a full tide when they get to the Grand Jury." Nevertheless the original bug was "a dry hole," recalling Eliot's, "Here is no water but only rock. . . . If there were the sound of water only." At last with a relief of tension comparable to Kurtz's "The horror! The horror!" P. brings out in all their *claritas* the fatal words: "Yelling. Watergate. Watergate. Tell us about Watergate." Later in a calmer mood P. restores the ironic tone of the play in a stunning deflation of this tempest in a teapot: "What was Watergate? A little bugging!"

A minor point that need only be mentioned in passing is the enhancement of the modern idiom by new and evocative verbs. A drama that extends the imaginative horizon, as *Tapes* does, is hardly required to do linguistic pioneering as well, but one must applaud the happy concurrence of thematic and technical novelty. "Deep six" and "stonewall" are verbs for which we had no previous equivalent. "It'll knock true," P. observes. And, "Now Ron, brainstorm that for us—" An illustration of "brainstorming" follows: "Z: First of all, the way to do this, and I think we should do this, but the way to do this—the feeling that something is happening in town and you (inaudible)."

In last summer's justly hailed courtroom drama on the Watergate theme, Sen. Sam Ervin, the principal actor, brought about illumination and catharsis by apt quotes from the Bible and folk legend, thus yoking the tale into the humanist tradition. This season's play, this "comic tragedy of errors," does the same, though to a lesser degree and, one might add, in a far less morally pretentious idiom.

> *E.* I thought you were going to go with the Biblical conclusion that the guy who serves two masters but a—*P.* Yeah. *E.* He will hate one and love the other, but a (laughter). *P.* Yeah. (unintelligible) turn around and (unintelligible).

Allusion is made as well to the legend of Sherman Adams, with its Old Testament overtones. "*P:* . . . The poor guy—he sort of got—*W:* And he served him well. *P:* For seven years and that damned vicuna coat. Unfortunate thing."

All groundbreaking works receive their share of scorn from literary hatchet-men, and *Tapes* is no exception. The point especially chosen for vicious criticism in this case is an alleged lack of moral sense, a grossness of judgment by the actors in the meticulous preparation of their scenario. This line of reasoning ignores the very subtlety of the Pirandellian structure. The conscientious reader will surely discover those places where an unchallengeable morality erupts from the teasing ambiguities:

P: So believe me, don't ever lie.
D: The truth always emerges. It always does.
P: Whether it is right and whether it is Wrong. Perhaps there are some gray areas.
But you are right to get it out now.

Moreover, P.'s loyalty to his aides, almost to the point of self-sacrifice, is stressed:

S[trickler]: But they are wonderful fellows.
P: They are. They're great, fine Americans. And
They tell the truth, too.
W: Yes.
P: I
Can tell you one thing about your clients.
They'll tell you the truth. They don't lie.
W: Yes.

Tapes is a drama, then, rich in innuendo, fully partaking in those qualities which, after Henry James, Joyce, Eliot and Beckett, we have come to recognize as distinctively modern. The Jamesian legacy, in particular, is one which the production cadre of *Tapes* has studied well. Witness the pregnant dialogue:

P: A motive was
Involved there huh?
K: About the money?
P: Yeah.
K: You know
P: If the money was raised
K: If you plead guilty and he's guilty there's
No crime committed.
P: What's that?
K: That's—I
Don't know.

Occasionally the mask of sublety slips and a more poignant note is heard, hinting at the *angst* of the creative act: "*P:* I—I'm so sick of this thing—I want to get it done with and over, and I don't want to hear about it again."

For all their sometimes frivolous obscurity, however, their playful use of cliché, their bold deleted expletives, the authorial team of *Tapes* is keenly aware of political reality. Like Orwell before them, they have grasped the salient tone of political discourse, a "mixture of vagueness and sheer incompetence. . . . In our time," Orwell goes on, "political speech and writing are largely the defense of the indefensible."

Yet just as *Tapes* outdid Pirandello in structural ingenuity, it surpasses Orwell in moral vision. A new mode of personal relationships is depicted, in which the dominant motif is intentional deceit—self-concealment rather than self-revelation. The discovery of identity, for both the characters and the reader, is frustrated at every turn, until finally the protagonists are distinguishable only by their modes of lying. This is a development all serious future dramatists will have to grapple with.

In the end *Tapes* evolves into a drama not of "people whose zeal exceeded their judgment," but whose corruption exceeded their awareness. Eliot's prophetic lines come to mind: "We are the hollow men/ We are the stuffed men/ Leaning together/Headpiece filled with straw. Alas! . . . Paralyzed force, gesture without motion." The multiple ironies of this uncommon work are best expressed in P.'s own words, uttered as he slyly forecasts public reaction: " 'Ho, ho, ho, here is something pretty bad.' "

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Churchill: A Man of Excess

In 1946-47 Winston Churchill wrote—but did not publish—a curious short story about a visitation by the ghost of his father. In the confrontation between 45-year-old Lord Randolph and his 72-year-old son, the future Sir Winston reveals to his father the shattering happenings since his death in 1895. Randolph is so impressed by his son's grasp of events that he wonders aloud if Winston would not have made a name for himself had he gone into politics; but before his son can answer, the apparition fades. The sense of regret is moving. Lord Randolph could not have anticipated at the time of his death (from syphilis) in political disgrace that the puny son who had just become an undistinguished young lieutenant in the Fourth Hussars would redeem the family name and fortunes with a Nobel prize for literature and almost every major political position England offered, including the prime ministry.

Churchill as Warlord
by Ronald Lewin
(Stein & Day; $10)

Generalissimo Churchill
by R. W. Thompson
(Scribner's; $8.95)

The Siege of Sidney Street. The True Story of Winston Churchill and the Anarchist Rebellion of 1911.
by Donald Rumbelow
(St. Martin's Press; $7.50)

The Great Man
by Robert Payne
(Coward, McCann & Geohegan; $10.95)

Sword and Pen
by Manfred Weidhorn
(Univ. of New Mexico Press; $9.50)

Great Contemporaries
by Winston Churchill
(Univ. of Chicago Press; $7.95)

For much of his 90 years (his centenary occurs this year, less than a decade after his death in 1965), Winston Leonard Spencer Churchill turned words into action and action into words. In 62 years of writing—some of it while in high office—he produced 33 books in 51 volumes, in addition to millions of words of articles and speeches only now being collected. Lawrence of Arabia could both act his romance and then set it down in resonant rhetoric, but Churchill's ability to accomplish both seems unmatched on his scale. The career appears to overwhelm judgment.

A stupendously researched and detailed multi-volume biography of Churchill, begun by his son, goes on in the capable hands of Oxford historian Martin Gilbert. The collected speeches are about to appear, in many volumes. Older Churchillian titles are being reprinted, from *A Roving Commission* (1930)—his autobiography to 1900—which to Manfred Weidhorn in *Sword and Pen* "radiates a retrospective cheerfulness," to *Great Contemporaries*, stylish journalistic accounts first put into book form in 1936 and 1939. These sketched the late-Victorian public men his father knew (and who are handled generously) and the eminent of his own generation, some of whom (Trotsky and Stalin) he treated testily, some (Hitler and Mussolini) gingerly and some (Curzon and T. E. Lawrence) compassionately. Memoirs, histories and studies of Churchill already comprise a small library. But the process of evaluation underway since his death is now being succeeded by the inevitable revaluation.

As historian of his *own* legend—which begins with his great ancestor, Jack Churchill, Duke of Marlborough, whose biography he wrote—Churchill is unflawed in purpose, decisive in execution, and astride every action in which a less-than-grateful or perceptive kingdom permits his involvement. The Churchillian feat of meshing, in politics and in writing, his ambitions, demonstrates how the statesman and the writer lived together symbiotically within the man. Writing was a self-advertising path to fame, a weapon in party politics, a means of *ex post facto* self-justification, a vocation when out of office, a hobby in which to utilize vast creative energies, a vehicle for the Churchillian antique vision of past, present and future.

To Robert Payne, a veteran correspondent and indefatigable biographer, Churchill is the hero as megalomaniac, for through Payne's revisionist lens the more familiar Churchillian qualities are flawed almost totally by faulty judgment, cultivation of crises, political mischievousness, lack of resilience, overweening pride and grandiose ignorance. Only at one point in the long public career (Payne ignores the private man almost totally) do all the flaws somehow coalesce into greatness—when in 1940, as Britain after Dunkirk stood alone, and the unthinkable became real, Churchill's bulldog tenacity and defiance, orchestrated into dramatic speeches, forged English resolution to stand fast, and to win.

It was the moment for which he seemed to have been born and bred, and Churchill made the most of it. He was courageous and charismatic, and for a time as near a dictator as England had had since Cromwell. Fortunately he left the homefront to others, for he understood little of the change in England since, in the days when he was Home Secretary in 1910, he had led the pitiful "siege of Sidney Street" to wipe out two anarchists holed up in an old East End house. Never a general himself, although he aspired to the rank in 1916 after his firing as first lord of the Admiralty, as Prime Minister in 1940 he thrust himself upon his military advisers with a clarity and vigor that cut through old school ties seemingly woven of red tape. R. W. Thompson quotes him as lecturing Sir John Dill in an eloquent memorandum (Churchill the writer once wrote of having "achieved a memorandum"):

> *We are now at war, fighting for our lives, and we cannot afford to confine Army appointments to persons who have excited no hostile comment in their careers. The catalogue of General Hobart's qualities and defects might almost exactly have been attributed to most of the great commanders of British history.*

By 1942, with America in the war and Britain overshadowed by its giant new ally as well as bled into near-exhaustion, Churchill found it difficult to face his nation's deteriorating geopolitical situation. He was temperamentally unsuited to be a junior partner in anything, and continued to play a role defended skillfully by Ronald Lewin in *Churchill as Warlord* but excoriated by R. W. Thompson in *Generalissimo Churchill*. Although he had been the right man at the right time, his changed status was one for which he was magnificently

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misplaced. Lewin, writing in vindication of Churchill, acknowledges that he was "a man of excess: excessive in emotion; in egocentricity, in physical and mental energy; excessive in his single-minded concentration on selected objectives. For a war leader, these traits were at once a strength and a weakness. . . ."

The weakness was in the aging man still affected by the nostalgia of Empire, however much his strengths had come from wide-ranging and first-hand experience in far different wars of other eras. His heart now gave him trouble, and his drinking went from excessive to dangerous. Never guilty of overcaution, with restless energy he refused to permit his shallow strategic knowledge to interfere with his obtruding his erratic judgment—often at great cost—upon his generals and admirals. His battlefields were the conference tables at which, despite his gift for rhetoric, he could not alter the power of Russia and America to impose their designs upon the war and the inevitable peace. "His errors glare," as Lewin puts it. But much will be forgiven by history for the Churchill of 1940.

The postwar Churchill, bereft of the prime ministry, was at first unpleasant out of office, feeling that he had been betrayed at the ballot box by the people he had saved. But writing was a solace in more ways than one. After World War I he had written his multi-volumed and tiresome *The World Crisis*, in which his theme had been, "If only I had been listened to. . . ." Now he could write *The Second World War*, a florid running commentary connecting his speeches and memoranda, in which his theme seems to be how Churchill, with a little help from his friends, grappled victoriously with Hitler. The US syndication rights alone netted him a million dollars. And his speechmaking went on, including his prophetic "iron curtain" address in 1946, which proclaimed the onset of the Cold War.

A lackluster peacetime ministry interrupted his completion of another long work begun in the 1930s and laid aside when war began; but at 80 even Churchill realized that he could no longer pretend to leadership in a world he hardly recognized. In 1955 he turned over 10 Downing Street to Anthony Eden, refused an offer from the queen to become duke of London, and completed the four volumes of his *History of the English-Speaking Peoples*. It purchased much brandy and many cigars, but as history it was an idiosyncratic pageant ending, significantly, with the death of Victoria. The grand, rolling periods suggest a work to rival Gibbon, but the work has the limitations of Churchill's sensibility. People make events; war eclipses all other happenings and is the chief art form of civilization; history otherwise is past politics. Only in the final volume is there a single personal footnote, and one coy reference in the text to the young man of his earliest books, when he notes that the battle of Omdurman—which avenged Gordon's death in the Sudan—was "described at the time by a young Hussar who took part in the battle." To Weidhorn—whose survey of Churchill as author is thorough and reliable—this is akin to the mystical serpent whose tail is in his mouth, the old man ending as writer where he began. In a sense this is true of the public man as well. Churchill's life was one of ancestor worship, in which ambition, power and success justified themselves; and his life and art were one.

Stanley Weintraub

Educational Myths

The Great School Wars by Diane Ravitch

(Basic Books; $12.95)

This is the best book on big-city school politics to appear in recent years. It is about New York City's times of troubles but its implications go far beyond the five boroughs, to the struggles for power in urban America and to the special interests of different ethnic groups that have time and again competed for domination.

Diane Ravitch, a fellow of the Institute of Philosophy and Politics of Education at Columbia University's Teachers College, here argues shrewdly, at times brilliantly, that many of the battles for social change since 1805 (actually her book does not deal adequately with events after 1969 when, for example, school decentralization was first begun) should be viewed with a sense of *déjà vu* despite apparent differences in circumstances. Local control versus central authority, patronage versus appointments from a civil service list, the bureaucratic maze at school headquarters, the stifling curriculum and the schoolhouse authoritarianism of many educators versus the Manichean world of their critics, the church-state question: each of these has been endemic to the city and regularly consumes the energies and passions of advocates and opponents.

Each, further, has led to small wars, some more incendiary than others, all of them appearing and reappearing at crucial junctures in American history. "It is not accidental that each major school war coincided with the arrival in the city of a large new immigration," Ravitch writes. Nor, one might add, that public schools have traditionally rejected racial and religious separation and sought, instead, to develop, "however fitfully" in the "direction of pluralistic, multi-cultural participation and control."

The book is a splendid antidote to all the millions of words of tendentious nonsense written about what schools can and cannot accomplish. For one thing the public schools never succeeded in educating all children. For many immigrant young, the factory and the labor union were better teachers. Others have pointed this out too, but Ravitch makes clear that the efforts by critics to assume public schools could serve as the "omnipotent shaper of values and destinies" led some of them to damn classroom teachers as purveyors of genocide, responsible for the failure of students to master basic skills or think critically.

These critics, in some instances romantics and in others, entrepreneurs, ignored the fact that the legend was just that: if New York schools tended to educate Jewish, Chinese and Scandinavian youngsters they failed with the Irish and the Italian child, and today with blacks and Puerto Ricans. Still everyone who grew up in New York in the 1940s and 1950s could think back to those halcyon days when schools in-

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variably "worked." Reading scores began to rise then above national levels but as Ravitch notes, the overwhelming number of elementary school children were by then second generation and increasingly assimilated. Their families had great plans for them.

The newest myth is that community control (however defined) will lead to rising achievement in city classrooms. A corollary is that one's own kind is best fitted to teach in those settings. This, too, is going to lead to wonders.

"Local control," she writes, "held to be legally and morally wrong in the days of the integration movement, was suddenly perceived as a national right, irrespective of whether it produced schools that were racially segregated or ideologically exclusive." One has only to recall the mob scenes in Canarsie and Ocean Hill-Brownsville or the banning of Piri Thomas' *Down These Mean Streets* from some Queens junior high school libraries to imagine some of the consequences of local control run amok. Put another way, as a strong supporter of black community control said after surveying the wreckage of white Canarsie: we never intended community control would lead to this.

New York City is undergoing the pains of transfer of political power as yet other new arrivals make their move. Indeed the transition from white to black is well underway and a Jewish chancellor (the incumbent is the first in the city's history) will no doubt not soon happen again. This raises another somewhat ominous specter. Looking back at the Ocean Hill furor, Ravitch describes the curious mixture of ultra-rich and poor who came together to support Rhody McCoy and his governing board. "Wealthy patricians and the corporate elite" joined with political activists against numbers of the white working and middle classes. The trouble was that few of the wealthy sent (or send) their children to public schools yet they nonetheless favored community control since it "assures the continuation of all-white neighborhoods where they live." Her conclusion: "There was no precedent in New York school history for this particular combination from the upper and lower strata of society."

Whatever this may portend it will probably be the formula for more wars and no peace. And for no lack of scapegoats.

Murray Polner

Ray of Hope

Confrontation: The Middle East and World Politics by Walter Laqueur

(Quadrangle/The New York Times Book Co.; $8.95, Bantam Books; $1.95)

The Yom Kippur conflict may go down in history as one of the most significant international episodes since World War II. Although it lasted for only a matter of weeks, its repercussions were global, to be felt for years to come. On the battlefield itself, the war dramatized the myth of Israeli invincibility, instilled the Arabs with a new sense of pride, and thereby altered attitudes that had prevailed in the Middle East for a quarter-century. By putting the US and the Soviet Union on a collision course as they supported their respective clients in the region, the conflict also illustrated the fragility of détente.

The war prompted King Faisal and the other oil-producers of the area to impose their petroleum embargo, and that move had two devastating effects. On the one hand it sent Japan and the West European nations scrambling for the fuel to keep their industries running, and their panic, clashing as it did with American policies, revealed basic weaknesses in the Atlantic Alliance. The oil shortage, moreover, not only brought out the fact that the world has long been edging toward an energy crisis, but also it focused attention on the growing lack of other resources everywhere. Thus a local spark ignited a conflagration of vast proportions, and its full impact will certainly be studied in detail far into the future.

For anyone to try at this stage to weave together the many threads of this complicated tangle takes courage indeed. Yet Walter Laqueur, the eminent analyst of international affairs, does admirably. His book is journalistic in the sense that it deals with current events while they are still hot. Its broader value, however, lies in Laqueur's ability to describe these events against the background of a broader global scene. The result is both a microcosmic and macrocosmic view of the world in crisis during a particular period.

Laqueur emphasizes, as have earlier observers, that the Israelis ought to have sought a compromise of their differences with Egypt after their blitzkrieg victory in the 1967 war. Had they done so following Egyptian President Sadat's difficulties with the Soviet Union in 1970, he argues, they might plausibly have avoided the sacrifices they suffered last year. But, says Laqueur, the Israelis tended to perceive their national security in narrow military terms. With Golda Meir practicing a policy of *immobilisme*, they failed to look for a new relationship with the Arabs and neglected to take into account the growing importance of the oil weapon. In addition, Laqueur points out, the Israelis were insufficiently aware of their dependence on the US in emergency. The Arabs, in contrast, sensed their advantage. After his brief flirtation with Libya's Qaddafi aborted, Sadat shifted his affections to Faisal, thereby adding the oil weapon to his arsenal. Sadat must have further calculated that, with the Nixon administration desperate to maintain détente with the Soviet Union, the US would act cautiously even though it realized that the Russian support was crucial to Arab success. The gamble paid off.

Although it was clear from the beginning that the Russians were supplying the Arabs with equipment sophisticated enough to neutralize Israeli firepower, Secretary of State Kissinger bent over backward to minimize the Soviet role in the war. On the Monday after the conflict erupted, Kissinger said that détente could not survive irresponsibility in any area, including the Middle East. Yet he consistently refused to characterize Soviet conduct as irresponsible because, quite plainly, he did not want to jeopardize détente. He was counting on Soviet restraint, even after the Russians had shipped 3000 tons of materiel to Egypt and Syria. And even after the Russians escalated their involvement to the point at which the US had to order a worldwide alert, Kissinger continued to play down the crisis which, he insisted, was in no way comparable to the Cuban missile crisis. The Russians eventually conceded to work for a cease-fire, but only after it became obvious to them that the Israeli counter-offensive was gaining momentum and that the Egyptians faced a severe setback. Kissinger thereupon put pressure on the Israelis to cut short the fighting, stalemating the situation.

President Nixon later called the ceasefire a "victory for détente," and he was correct to the degree that the Middle East war did not degenerate into a nu-

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clear holocaust. But the conflict between Israel and the Arabs does raise questions about the meaning of détente. Is détente operative when Brezhnev pledges as he did last June to cooperate in preserving peace and then arms the Arabs for war? Was détente working when the Kremlin was poised to send Soviet troops into the Middle East? And is détente currently functioning as Moscow, spurned by Sadat, seeks to line up the leftist-oriented Arabs in order to counterbalance what it considers to be an increase of US influence in the region? The way the Russians behave in the period ahead will be a measure of their interest in rapprochement. I am inclined to concur with Laqueur's conclusion that the single ray of hope lies in the fact that the only alternative to a settlement will lead both sides further down the road to destruction. That may be what the world is all about these days.

Stanley Karnow

God or Country?

The Trial of Chaplain Jensen
by Andrew Jensen with Martin Abramson

(Arbor House; $7.95)

The Biblical injunction, "No man can serve two masters," was ignored when men of the cloth were first put into uniform. From the military point of view, professionals such as chaplains and physicians are expected to put institutional needs ahead of individuals': patch up the soldier's psyche or body and get him back into action. Many with their eyes on military careers and retirement pay thereafter do just that. An extreme case was the navy chaplain who exhorted his parishioners, marines in I Corps in South Vietnam, to do their Christian duty: "Your sacred mission is to kill gooks."

Other chaplains, however, have tended to the Lord's work in much the same manner as their civilian counterparts. Some take their ministry to the front lines, bringing spiritual aid and comfort to the wounded and dying. Others run chapels as if they were suburban parishes (which they sometimes are), emphasizing choir activities, prayer groups and fund-raising projects. Some play golf with senior officers while others learn the conditions under which enlisted men live.

There are compassionate men as well as martinets among those who wear a cross or a Star of David on their uniform. Both types are always accessible. Their doors are open to men with problems, and they often wind up with servicemen who could not be handled by the military's disciplinarians and psychiatrists. If a serviceman dies late at night, the base commander might not learn of the death until morning, but chaplains will be awakened immediately. Except for vacations (when they are free to take them), their time is never their own.

One consequence of a chaplain's accessibility is his vulnerability; so he is sometimes preyed on or prey to the opposite sex. One reason for this phenomenon may be the minister's sexual *in*accessibility and a particular woman's frustration that the man who so compassionately tends to her spiritual needs will not also satisfy her physically. Another may be the attraction of forbidden fruit.

At Cecil Field, Florida, Cdr. Andrew Jensen was accused by two navy wives, Mary Ann Curran and Lora Gudbranson, of having committed adultery with them. He protested his innocence and refused to accept his commanding officer's suggestion that he quietly resign from the service. (His refusal to "spare" the navy a court martial and adverse publicity was his real offense.) Jensen was charged with conduct not becoming an officer and brought to trial. He was the first American chaplain ever court-martialed and the first naval officer ever tried for adultery.

The charge itself was absurd. Businessmen at a convention are celibate monks compared to officers stationed overseas. Although the proximity of wife and family tends to make officers less rambunctious at home, their sexual mores as a group are anything but strict. As one commentator said of Jensen's trial: " 'The navy is going to court-martial every sailor who commits adultery. This means that the entire fleet will be reduced to one sailboat manned by the last survivor of the Spanish-American war.' "

The deck was stacked against Jensen from the beginning. As far as the base hierarchy was concerned, the accusations against the teetotaling chaplain were tantamount to a guilty verdict. Although Curran initially gave sworn testimony that she had had sexual intercourse with Jensen on 95 occasions, she later changed her story and testified that they had met 18 times. Incredibly, this inconsistency was simply overlooked by the convening authority. Agents from the Naval Investigative Service once again proved that the dullest brains and heaviest hands often wind up as service sleuths. They questioned people who knew Jensen as a seminary student in Philadelphia and attempted to bias their interviews by revealing that he was being investigated for a " 'sexual offense.' " Some of the enlisted men who gave depositions favorable to Jensen were the object of subsequent reprisals by base officials.

Trying to corroborate Curran's story that she had met Jensen on a particular afternoon, the prosecutor was momentarily stymied when Jensen's wife testified that she had had the family car at that time. When he found out that there was an alternate means of transportation at the house, their children's bicycle, he tried to imply that Jensen might have pedaled his way to pudendum. For this rendezvous to have taken place as alleged, the chaplain would have had to pedal 11 miles to Curran's Jacksonville apartment, perform four acts of intercourse and pedal 11 miles back—all within two hours!

No case would have existed against Jensen but for one circumstance: he frequently used local motels to get away from the daily pressures of being base chaplain. Because of his medical history, which included skin cancer, asthma and allergies, his doctor had suggested these respites to maintain his strength in the face of 16-hour days. Although motel employees recalled Jensen—who had worn his uniform and chaplain's cross—no one ever recalled seeing him with a woman. NIS agents, however, collected a number of motel receipts, and the prosecution apparently coached the two women so their "recollection" of their alleged assignations with Jensen would match the dates of

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the receipts. Because the women, as civilians, were not subject to military authority, they could perjure themselves without fear of having to answer to a court martial.

To defend himself against these charges, Jensen went $18,000 into debt. The navy, for all practical purposes, had unlimited funds to spend fabricating the case against him, and NIS agents were sent prowling through the bars around Jacksonville and criss-crossing the country trying to dig up dirt on Jensen. They failed to find such detrimental evidence, just as the navy failed to win its case against him. Although many navy officials—including some chaplains—turned their back on him, others came forward in his defense even at the risk of endangering their careers. Fortunately the six officers who constituted the jury proved impartial and competent and voted his acquittal.

Those who would point to the verdict as evidence that "the system" worked ought to think again. Any competent civilian judge would have thrown out the prosecution's charges for lack of corroboration. In a court martial, however, the judge is a military officer subject to pressures from higher-ups, and the command was out to "get" Jensen. Unlike a disinterested judge in a civilian court, the officer-judge is likely to believe the service has grounds for its charges even before they are presented. (This attitude may account for the fact that about 95 percent of all court martials return convictions.) In Jensen's case the preliminary hearing was a sham. Well before it was concluded he heard from a number of people that base officials were already preparing for his court martial. The system did not vindicate Jensen; six impartial officers did. Moreover, he had to go heavily into debt to prove his innocence.

Although the case is fascinating, the book is poorly written and often repetitious. The motivation of the women and the prosecution is scarcely analyzed, and one occasionally has the feeling that affidavits and court transcript excerpts have been thrown in to pad the book and justify the price tag.

The story, however, is true and another example of the military system of "non-justice." Because of the pressures of "command influence," the system cannot be meaningfully reformed; it can only be replaced and should be replaced by a special, civilian-administered court system with jurisdiction over offenses committed by servicemen. *The Trial of Chaplain Jensen* should make us more aware of the daily pressures on military chaplains to put organizational needs ahead of the spiritual needs of individual servicemen. That situation might be corrected by enactment of Jensen's suggestion that the military chaplaincy be supplanted by a "civilian chaplains corps." It is an idea that merits the careful attention of Congress. Men of the cloth often have difficulty serving one master as long as they are also men in uniform.

Peter J. Ognibene

Poor Show

About Behaviorism
by B. F. Skinner.

(Knopf; $6.95)

About Behaviorism is expository. Instead of arguing its ideas, it sets forth in dry, spare tones the first principles of Skinner's science of behavior and the theory behind his highly controversial program of cultural engineering.

Deeply concerned for his fellow man, Skinner supports many of the right values: he wants to relieve mental strain, to curb nuclear armament, and to control both the population rise and environmental pollution. These humane values he buttresses with sound moral and intellectual authority. He quotes writers as different as Theophrastus and Henry James. He surveys behaviorism critically, noting both the drawbacks and strengths of the technique originating in John B. Watson's *Psychology as the Behaviorist Views It* (1913). His preface lists 20 popular objections to behaviorism, including, "It ignores consciousness, feelings, and states of mind," "It does not attempt to account for cognitive processes," and "It assigns no role to a self or sense of self."

Skinner offers us thorough, honest evidence against his program. He knows the history of philosophy: he complains that the mind is a misleading and overrated concept invented by the idealist or mentalist school descending from Plato. Furthermore the mentalists have

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already had 2500 years to formulate human conduct. Time for a fresh look, he says. Studying environmental evidence—the external conditions under which people live—instead of feelings and states of mind, Skinner deserves to have his say. And speak out he does. *About Behaviorism* may be a dry, spare book, but it has force. Few writers today challenge or anger as he does.

Skinner sees man as the sum of his genetic and environmental past. His emotions and motives come from observable facts, rules and laws rather than from within. Thought, also overt, is a function of verbal and practical behavior. But is it? This behavioristic definition of thought is the rock on which Skinner's operant paradigm breaks. If thinking is behavior rather than the shaping activity behind behavior, then it loses its priority or uniqueness. Skinner's determinism kills the dynamism and autonomy of the inner life. Unrelievedly mechanistic, it fails to show how feeling can heighten an ordinary act or situation, doesn't explain why one person commits suicide, while the person's neighbor, a product of the same "contingencies of reinforcement," lives happily and actively.

By directing his attention outward from the mind and heart, Skinner robs behavioral engineering of an analytical technique. Thus he doesn't say what makes human beings human. Taking his examples from simple stimulus-response activity, his radical behaviorism has little import beyond the level of crude physical sensation; to define behavior as lawful, regular and orderly is to make all response a function of instinct or reflex.

About Behaviorism is full of platitudes, reflecting this naiveté: "The newborn infant is so constructed that it takes in air and food and puts out wastes. . . ." "Depriving a person of something he wants or needs is not a forceful act . . . but states of deprivation are given a more dramatic role when they are called drives and urges." Skinner labors the commonplace without finding excitement or new meaning in it. His premises are like the building blocks of a windowless house. But more important, he never answers the arguments against behaviorism set forth in the preface. For all his human decency and training, his thesis commits him to the trivial and obscure.

Basic to his thought is the denial of the individual as an independent center of significance. Late in the book Skinner writes, "By himself an individual can acquire very little behavior with respect to the future in his own lifetime, but as a member of a group he profits from the social environment maintained by the group." The individual, merely a physical system, exists chiefly as a group-member; he acquires worth when socialized. His behavior, directly observable, provides the key. Behavior expresses feelings, and feelings can be changed by the environment where they occur. Skinner wants to melt the individual into the group. Public and private needs don't clash, he feels, and the world can be controlled, a scientific attitude will automatically improve life.

Although these arguments follow from his data, the data, as has been said, is simplistic. A mystery at heart, man can't be cut to fit a pattern of group living. To survive he needs a plan. But Skinner, neglecting our irrational drives, has not supplied it. Behavioral engineering can't condition a mystery because it lacks both the information and the technique to cope with the mysterious. *About Behaviorism* is a poor show coming from America's leading behavorist writing at the end of a long, busy and influential career.

Peter Wolfe

Family Man

Wampeters, Foma, & Granfalloons: Opinions by Kurt Vonnegut, Jr.

(Delacorte Press; $8.95)

Readers of Vonnegut's novels will like these essays, speeches, reviews and an interview. But those who think his fiction thin, unformed and full of cheap tickles will find these essays just that.

Vonnegut seems an honest man, which is admirable enough these days. Yet honesty leaves him confessing many sad things. When he was confronted with a list of his publications, for instance, he "felt like a person who was creepily alive, still, and justly accused of petty crime." He says he has tried to "tell the truth plonkingly." That is, the writing trades "allow mediocre people who are patient and industrious to revise their stupidity, to edit themselves into something like intelligence." He goes on: "my career astonishes me. How could anybody have

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by David Jenkins

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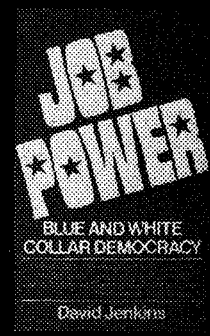

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come this far with so little information, with such garbled ideas of what other writers have said?" He was the 98-pound weakling to whom a high school coach once awarded a Charles Atlas course. He remembers his family's maid reading to him from a book called *More Heart Throbs*—and he thinks that she contributed to the "almost intolerable sentimentality about everything" he's written.

There have of course been other contributions to that sentimentality. His mother committed suicide. As a POW he survived the fire-bombing of Dresden. The University of Chicago gave him his happiest day when they accepted him as a graduate student in anthropology—but then they rejected his thesis. To his own three children, his sister's early death from cancer added three more lives for him to father. And so he had a large family there on Cape Cod in his struggling days of what he calls "sleazo" paperbacks and short stories, when no one was reviewing him and, it seemed, not very many were reading him either.

Now, when people are reading him by the millions, he still has a feel for families, and especially for the fathering of families. He admires the Biafran extended families who obviated government welfare programs during much of that land's short life. And he yearns for a return to the 19th-century family structure as a sort of not-so-voluntary group. His next novel will even propose assigned families: the government will provide the same middle name—Chromium or Daffodil—to random groups of 20,000 persons, and these people will all rely on each other, just like cousins supposedly used to do. If he's thinking a lot about families these days, the father-family axis is still all the more telling as the sustenance of his style. Which is to say that his writing has a modern paternalism to it—that of a father who would like also to be a buddy. Or, of a buddy who would also like to be a father.

That is, Vonnegut is a sneaky moralist. He admires the simplicity and untextured responses of the young, just as they admire his reductiveness and his untextured precepts. He speaks to an audience which has not been compromised by the corruptions and conventions of getting on. And he hankers for an age that has not suffered the same fate. His analogies, therefore, are to the 19th century. Since the 19th century will not return, his plots are into the vague future. And so on.

The phrases *and so on* and *so it goes* are so essential to Vonnegut that even though his critics have complained that such expressions are irking, he's not about to excise them. He can't. The world is full of binary and-so-ons for him: people whose lives are compromised and those whose lives are not; bad officers and nice enlisted men; innocent scientists who cause harm, and cynical scientists who hate the destruction to which they inevitably contribute; smart people and dumb people; happy people and lonely people; and so it goes. People who are caught in this world, and those with the liberated perspective of having lived in space, and so on. People who are substantial and those who are not: the somebodies and the nothings; those who are the "merest wisp of an implication" and those who slip back into Nothing, and so it goes. He's not trying to be vague. Rather he's emphasizing how eternally the world is a simple place which we overcome or in which we are overcome. And so on.

The world is not that sort of place:not so clean nor well-lighted. It is messy, in fact, and most of us keep on going during and after being overcome by the dirt and the dark. Vonnegut knows that, and his life shows it if his writing does not. His taste shows it too. That he admires George Orwell and raves over Hunter Thompson tells us much about his own work. Orwell punctured duplicity with angry clarity and had the presence to keep it up all alone. Thompson overwhelms duplicity with manic rage. But Vonnegut has neither the clarity nor the rage of the authors he respects. Instead he has the professional's ability to send back a cable. He says, "I come to work every morning and I see what words come out of the typewriter. I feel like a copyboy whose job is to tear off stories from the teletype machine and deliver them to an editor." Creepily, plonkingly, he's still alive. This is the feeling of an honest man who is hoping at best for the merest wisp of an implication, for a whisper rebuking his silence and the silence around him: Billy Pilgrim wandering in snowdrifts, muttering. Still it would surely be great fun to drive across country with him, or share a bottle with him, or have him for a father. And, because he believes in all the right things even if loosely and only tepidly, he already is a brother.

W. T. Lhamon, Jr.

Over the Edge

Passages About Earth by William Irwin Thompson

(Harper & Row; $6.95)

In his last book, *At the Edge of History* (1971), William Irwin Thompson proposed the apocalyptic view that "history" (the progress of rationalism and individualism since the Renaissance) is at an end, that we must turn to mythology for the values that will enable us to live in the planetary culture of the future.

Since 1971 Thompson has embraced the esoteric disciplines and cosmologies of Eastern religion, and has founded a small educational community on Long Island (NY) called Lindisfarne, where students of all backgrounds can study these disciplines and cultural history while living and working in an unstructured spiritual community.

Thompson's new book, *Passages About Earth*, continues in the mixed mode of cultural history and spiritual-intellectual autobiography of the author's developing ideas about cultural transformation and individual survival. Like its predecessor, the book consists mainly of meditations on various topics related to the mythologizing of an overly "historical" world—among them Apollo 17, the visionary architect Paolo Soleri, H. G. Wells, the Club of Rome, kundalini yoga, Doris Lessing and the mystic gardening community of Findhorn, Ireland (whose residents reputedly grow vegetables of unprecedented size with the assistance of the spirits ruling over the plant kingdom).

While it is full of the same iconoclasm, wordplay and witty analogies, *Passages About Earth* has a narrower scope and appeal than *At the Edge of History*. For one thing, Thompson is now "over" history's edge, and is looking at the world through the cyclical and associational eyes of the mythic mode. Moreover, he has a way of seeking to confirm his own myths, which narrows the book's interest even further.

When things are bent to fit the pattern, ideas remain intact, but the world outside gets neglected or distorted. Thus Thompson unqualifiedly proclaims that the lift-off of Apollo 17 "was not science, it was mythology." He fastens on

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the coincidence that Doris Lessing's *Briefing for a Descent into Hell* was published in the same month as his *Edge* and had a hero whose visions paralleled his book's views about myth and history. Of Findhorn we hear nothing about vegetables or spirits, but focus instead on the encouragement one of the residents gives Thompson to go ahead and start Lindisfarne himself, rather than enlist a famous spiritual leader.

Thompson's excessive assimilation of the world to his views would be less troublesome if this book stood more on its own as, for instance, the poetic history of one man's ideas. But the distinction between individual and cultural is blurred throughout, to the detriment of both sides. The deliberately ambivalent title suggests both travel *around* the earth and writings *about* the earth, but the book is almost entirely the former: Thompson's travels, armchair and otherwise, in search of support for his own ideas on post-industrial survival.

Admittedly an idealist (a "Pythagorean") by nature, Thompson is interested in theory rather than practicality; as historian of a world which he takes to be identical with himself, Thompson characteristically turns coincidence into significance, private into public, and projects the pattern of his wishes as cultural prophecy. This shows in a large number of "If . . . then . . ." statements that ignore the iffiness of their assumptions. Arguing for the egalitarian nature of the coming planetary culture, Thompson theorizes: "But if mankind is a single de Broglie wave, then not one individual should fall without the entirety rushing to pick him up and carry him on." Even if we knew exactly what a de Broglie wave was, which we don't, there is a lot of stretching involved in points like this, and they come on almost every page.

It is hard to take seriously Thompson's prophecy of a humane, democratic planetary culture when all we know is a scattering of sympathetic attitudes and a general cultural pressure for institutional change. Thompson seems to have found a satisfactory post-historical mythology for himself, and at Lindisfarne has made similar solutions more available to other individuals. But this wishful framework has little relation to the human race as a whole. Thompson says: "Homo Sapiens [sic] is trying to accomplish its transformation into a new species." But the human race never *tries* to do anything, and the mass of its members have always been forced to face the question of survival in a Malthusian rather than a spiritual sense.

Because the world of this book is so private, much of what happens in it comes across as arbitrary rather than provocative; thus the reader is hard put to give it a fair reading. Thompson appeals to the complexity of the tragic view of life, but in his book "good" and "evil" need only be placed on opposite corners of a mandala and be brought together in a "union of opposites" for the idealized "truth" of any situation to be revealed. I happen to endorse the "tragic" view of life Thompson recommends, but am unable to square that with his utopian prophecies. And if, as he claims, art is obsolete and "reality itself becomes the work of art," mankind must be the tragic hero, but where is the audience that will survive the play? One thing seems certain: the protagonist of this book is its author. The world has only a walk-on part.

John Woodcock

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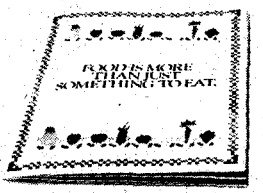

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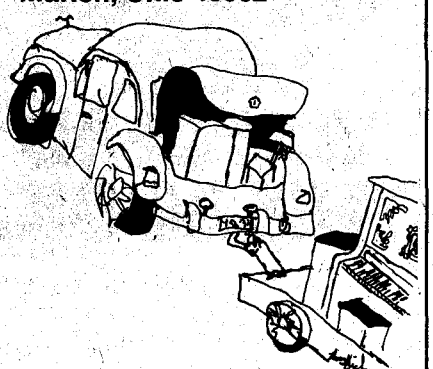

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Honored Novel

Two Virgins
by Kamala Markandaya

(John Day; $7.95)

Kamala Markandaya's novels are not widely read in the United States. One possible reason for her obscurity may be the curious way the Library of Congress initially catalogued her works. Instead of using her name, the L of C listed her works under her husband's name (Taylor), although Ms. Markandaya has never used this name in her career. Other libraries using the Library of Congress system have often listed her as "Kamala Taylor" with no cross reference under "Markandaya." Until this changes I doubt if Ms. Markandaya will have the following she deserves.

Whenever her name *is* mentioned, it is linked with her first novel, *Nectar in a Sieve* (1954), her most widely publicized work, a Book-of-the-Month Club selection. Since that time Markandaya has published seven other novels that place her with other talented Indo-Anglican novelists like Raja Rao, R. K. Narayan and Mulk Raj Anand. Unlike them, unlike *most* writers, there has been no deterioration in her work. She has been writing better and better novels during the course of her 20-year literary career. Continually expanding her interests and the geography of her writing, Markandaya has given us both *Nectar in a Sieve*, a disturbing picture of traditional Indian village life, and *A Handful of Rice* (1966), an equally revealing picture of life in a modern Indian city. *Possession* (1963)—one of her most powerful novels—illustrated the disquieting aspects of India/Western cultural confrontations. In *The Nowhere Man* (1972) she shifted her emphasis almost exclusively to England and masterfully chronicled the story of an old Indian man's 50 years of emptiness in London. It is, however, with *Two Virgins*, her most recent work, that she reaches the pinnacle of her achievement.

The story of *Two Virgins* is a simple one. It has been told many times before, but rarely as effectively as in Markandaya's novel. Two sisters grow up in a village, on a farm. Lalitha, the older one, is exposed to Western schooling; Saroja, her younger sister, attends a more traditional school. When Lalitha runs away to the city in pursuit of a movie career, the evils of urban life contribute to her downfall. Pregnant and abandoned, she returns briefly to the village but no longer finds any happiness there. Lalitha's parents try to find the man who has seduced her, a movie director; but the pilgrimage that all four of them make to the city ends in further tragedy. At the end of the story, Lalitha disappears in the city, refusing to return to the village with her parents and her younger but wiser sister, Saroja.

The reader sees the story from Saroja's point of view. Markandaya has a dual intention here: a feminine viewpoint coupled with an evolving consciousness, a rare sensitivity. The result is remarkable. At the beginning of the novel, Saroja is still a child; she plays with dolls, has no physical desires. Lachu, the village idiot who molests girls, holds no fascination for her as he does for Lalitha who is always flicking her eyelashes at him. Saroja feels no sexual sensations until the trip to the city when Devraj, the movie director's assistant, accidentally touches her hand. Then she begins to feel afraid, and later she has erotic dreams. After a second encounter with Devraj, her emotions become uncontrollable. It is only after she witnesses the agony of her sister's abortion that her feelings are reversed. When Lalitha states to her at the height of her despair, "I wish I were you," Saroja no longer feels the jealousy she has known all of her life for her older

Notes on Contributors

LYNNE SHARON SCHWARTZ *is completing a novel and teaches English at the City University of New York.* STANLEY WEINTRAUB *is the author of* Whistler: A Biography *(Weybright).* MURRAY POLNER *served as executive assistant to New York City's first chancellor, Harvey Scribner. His book on city school politics will appear later this year.* PETER WOLFE *teaches English at the University of Missouri, St. Louis.* W. T. LHAMON, JR., *is professor of English at Florida State University.* JOHN WOODCOCK *teaches in the English Department at Indiana University.* CHARLES R. LARSON *is the author of* The Emergence of African Fiction *(Indiana University Press).* REED WHITTEMORE, *formerly literary editor of* TNR, *is now at work on a biography of William Carlos Williams.*

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sister. She has learned too much about suffering. She has seen the milkman's wife lose her babies, a schoolmate die, her sister's abortion. Lalitha's note to her ("Stay if you want to, no one can stop you") brings only one reaction: "She couldn't think of anything worse than to stay on in the city." She has recognized the city as a prison.

Much of the concern with awakening sexuality in *Two Virgins* is a plea by Kamala Markandaya for women's rights. This is not the forthright openness of women's lib in the United States but a subtle commentary running throughout the entire novel on the status of women in modern India. It embraces all of the older women in the narrative, touching upon the status of childless widows in the traditional family and the problems of overpopulation, birth control and abortion. Although Markandaya generally favors the village over the city, women in the village still have their problems: "Appa and Anand could stride off to the coffee shop, Manikkam had his bhang hideout, Bundi's liquor store was always crammed with men. Women had no boltholes. There was no escape for them, they had to stand where they were and take it." In spite of this limitation, all of the women in *Two Virgins* are stronger than the men around them.

Indian society in *Two Virgins* is depicted as a kind of hodgepodge of traditional Indian and modern Western culture. Saroja's older brothers refer to Western society as "a spreading thing, one cannot escape it." Her father thinks of society, in general, as criminal. When Lalitha becomes pregnant Saroja thinks about what will happen to the baby, and she realizes "it had no future in what Appa and the boys called society as it was organized." Even Saroja's mother begins to realize that Indian society has changed so quickly in the last few years that her daughter is little better off than anyone else's. Modern India is undergoing such rapid social change that the middle class no longer knows the security of the past ways of life. Gandhi's teachings have been more far-reaching than anyone would have suspected—especially in regard to the caste system. Whatever stability there is must come from the inner strengths of individual characters.

In its entirety *Two Virgins* is a story of mythic proportions, an archetypal story of the loss of innocence. It embodies a journey—a going forth and a return. Unlike Ruth Prawer Jhabvala's recently published novel, *Travellers* (which satirizes the insanities of contemporary Indian life, especially its urban aspects), Kamala Markandaya has written a novel of quiet resignation. The first revolution for India ended years ago, with independence. Now a more difficult aspect of nation-building is beginning, rooted in the simplicity and dignity of traditional life. *Two Virgins* is superb fiction.

Charles R. Larson

Kamala Markandaya has been cited by the English-Speaking Union as the recipient of their first Book Award (of $2000) to a nonnative speaker of English from Asia, Africa or other areas of the Third World, for the best book of "belles lettres," Two Virgins, published in the English language during a given calendar year.

Fine Print

Potpourri

Doris Grumbach

Bantam beat everyone else in reaching the public with its paperback, **The White House Transcripts** ($2.50). A team of writers, editors, researchers worked round the clock for three days to produce the work a little more than a week after the original transcripts were issued. Bantam's publicity informs me that the 886 pages, complete with an eight-page who's who index of 234 names (you can't tell the players without the scorecard), an eight-page introduction by R. W. Apple of *The New York Times*, a 65-page chronology of the events from January 20, 1969 to May 2, 1974, good (my estimate, not Bantam's) introductory summaries to each of the 49 sections of the transcripts, and Richard Nixon's TV address of April 29, 1974 that told the nation at-large of the transcripts, all compare more than favorably with the Dell/Washington Post **The Presidential Transcripts,** which has less pages, costs five cents less, a who's who of only 28 names and none of the other goodies of which the Bantam/New York Times edition is so proud. Except that Dell has 27 pages of commentaries by the staff of the *Post*, "published by that newspaper on the first and second days following the release of the presidential transcripts," which are also very good. So much for the competitive rush into print, which did provide us with two very quick, handy and morally depressing editions of the Expletive Transcripts. Dell's edition at mid-May was a printing of 1,400,000 copies. *That* for the theory that the President had released the tapes in this form because he felt the American public would be so intimidated by their length they would never read them.

I think we ought to prepare ourselves for a five-foot shelf of books by participants—heroes as well as villains—in Watergate. Atheneum writes to say that Jeb Stuart Magruder, "who pleaded guilty to a one-count charge of conspiracy to obstruct justice" (says the publicity release), has written what might be termed the introductory volume to the expected parade, **An American Life: One Man's Road to Watergate,** which they will publish at the end of June. Magruder writes, the release goes on, at the end of his book, that "I think that . . . I am a fairly representative member of my generation . . . I think that [we] placed far too much emphasis on our personal ambitions . . . and far too little emphasis on moral and humanistic values." Amen. Not a bad starting point for what promises to be, from one vantage point or another, a running supply of printed *mea culpas*.

The profitable literary life continues to provide me with moments of astonishment. Once I recovered from my gasps at the amount promised Norman Mailer (although Eliot Fremont-Smith of *New York* told me that the cool million was not for one book but for several and over a period of time), my blood pressure rose again at hearing about two other items: 1) It is possible that the former VP Spiro Agnew will net a hot million on his first novel, **A Very Special Relationship.** In England the book will be published by W. H. Allen Ltd; Agnew will go there for a five-day promotion tour next January. He has now signed for its publication in Japan, Portugal and Greece, and the total of foreign countries in which the book will probably appear is close to 20. Movie rights are now being negotiated, *Playboy* rights will bring him "over" $100,000, and the *Ladies Home Journal*'s use of portions well over that amount. The sky's the limit for the price of infamy.

2) It is almost as profitable to attach

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oneself to subject matter tragically established in the news but not yet resolved, a book on the way to happen. There is something vampirish about the announcement that Viking has advanced Shana Alexander a quarter of a million dollars to write **The Search for Patty Hearst,** with what is said by the agent to be an exclusive arrangement with Miss Hearst's parents for their cooperation. Again *LHJ* is planning a two-part condensation of the book, so the amount, with other rights (movies? Mia Farrow as . . . ?) might even reach Spiro Agnew's handy sum.

Addendum to the report on NBA: The university presses publish one-eighth of all titles issued by presses in general in this country, and two percent of the total dollar volume of books sold. But of 110 books nominated for book awards, 22 percent were published by the universities. In 1973 five out of the 10 awards went to university press books; in 1974 there were 14 awards, three to UPs. Critics continue to note the unfair advantage of such tax-exempt presses when they skirt close to the fields of commercial publishing, and booksellers, says *The NY Times,* "don't normally stock the books and when they win, people come in asking for them, meaning single-copy orders, which are a headache.". On the other hand it was announced, with much sadness, that one of the presses cited, Northwestern University, is going out of business.

What hardcover book sells best in the US at the moment? **Webster's New (eighth edition) Collegiate Dictionary** (Merriam; $8.50), a year old in April, which has now sold well over one million copies. Merriam's president David Replogle writes that its predecessor, the seventh edition, sold one million copies every year since its publication in 1963. Merriam has been in this profitable (and it should in fairness be added, serviceable) business since 1898.

Book titles: one of our correspondents, and the *Authors Guild Bulletin*'s, complains that her first book, published in 1931, was about famous illegitimates. She wanted to call it *The Book of Bastards,* or *Brood of Folly* (from Milton's "Il Penseroso") but the publisher, Dial, chose *Love Children* instead. Titles continue to confound and astound people who deal with books: the book about rabbits and rabbit-life called *Watership Down, Zen and the Art of Motorcycle Maintenance,* which seems to be about neither of the nouns in the title, and *Hey Fella Would You Mind Holding This Piano a Moment,* a book of poems containing 42 pages.

From RB, who says she is an affable old lady in tennis shoes: Political events in the last decade in America have been so shattering that a writer must be very brave and inventive to use an analogous governmental situation for fictionalization. Yet this is the gravamen of **Executive Privilege** (by Geoffrey Perrett, Coward, McCann & Geoghegan; $6.95). Set in the near future it concerns itself with a severe power vacuum created by the simultaneous assassination of a popular President, the severe disablement of the Vice President, and the machinations of his number one special assistant. Unfortunately the protagonist's maneuvers to outwit Congress, the Supreme Court, the Pentagon, the media and a commission of inquiry, are so improbable that Mr. Perrett succeeds more in arousing the reader's incredulity than his alarm. Indeed it is not until the conclusion of the book that the plot itself becomes clear, creating that kind of suspense that does a writer of situational intrigue no good. Although the book is intended as a warning regarding the fate that might befall our American democracy, it creates the reverse effect for, if this is how the brightest, most ruthless politician might manipulate, then the United States seems safe indeed.

The Wonder Worker by Dan Jacobsen (Little, Brown; $5.95) is an absorbing foray into the psychoses of its protagonist, Timothy Fogel, who, while living in a Swiss sanitarium, writes a book involving a man, murder and insanity. Mr. Jacobsen, in this his 10th work, so skillfully intertwines the identities of Fogel and *his* characters with those of his own, that it requires alertness, and sometimes guesswork, to determine which events and personalities belong to the author himself and which to his fictive narrator. The going is not easy. One may appreciate Mr. Jacobsen's obvious skill but yet become restive at the energy required to penetrate his revolving environment of madness. Admire the book, for it deserves applause, but don't send it to your elderly Aunt Carrie.

Well-known British TV writer George Markstein's first novel, **The Cooler,** is a

By My Window

I sit by my window.
I watch the woods.
Now whether it be that I watch the woods
More than the woods watch me
Is a matter for great philosophers, but I know this:
It is not the quarreling finches that spy on me,
Nor my attic squirrel,
Nor any other familiar, not even the great crow
Who struts by—
I seem them all in their busyness, they know me not
If I thunder not—
Yet I feel a presence.

I sit at my window.

It must be a presence I know not.
Yet must it not also be someone I know with such intimacy
That I know of his knowing?
It must be myself, then, my very own godliness
Skipping from tree to tree,
God of the wood set aprowl
By me. Me!

I sit at my window.

REED WHITTEMORE

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spy story concerning the machinations of the British Intelligence Service prior to the invasion of Normandy in World War II. It is a surprising suspense novel; all its characters but one are agents for the "right" side but are perverts of a nasty sort. The protagonist, Loach, enjoys sex with a riding crop. The principal feminine agent is a Mata Hari with a penchant for overkill. Such individuals, although highly and expensively trained by the British government, eventually become an embarrassment rather than an asset and are sent, along with other unstable spies, to a place in Inverloch known as the Cooler. They are handled ingeniously. However since the reader's sympathy has never been invited toward the characters, his interest in their grave problems is minimum. Cruelty is presented as a commodity rather than an interchange between humans. It is inflicted with an anonymity that blurs both victims and their despatchers in whitened blood (Doubleday; $6.95).

Stanley Kauffmann on films

Two Men of Karamoja

(Tomorrow Entertainment)

Zandy's Bride

(Warner Bros.)

In 1966 an American filmmaker named Eugene S. Jones spent three months in Vietnam and made a superlative documentary of infantry life called *A Face of War* (*TNR*, June 1, 1968). During the last three years Jones and his wife Natalie have spent many months on several trips to East Africa and have now released another documentary called *Two Men of Karamoja*. Karamoja is a district in northern Uganda on the Sudan-Kenya border; within that district is the Kidepo Valley National Park, a game preserve of 500 square miles.

The Joneses took that game preserve as a microcosm of change in Africa, demographic and political. Kidepo is suffering from population explosion—the depredations of hungry poachers and the encroachments of settlers. Kidepo is also undergoing change of administration: one of the "two men" is white, the chief warden; the other is his successor-to-be (presumably now installed), who is black. The film deals with the changeover period, set against the complications of border troubles and of turbulence in Ugandan politics caused by General Amin.

If you add to the above the beauties of the landscape and light, the majesties and mysteries of the animals, you have here all the ingredients for an extraordinary film. I'm sorry to report that *Two Men* is not that film. There is no argument with the materials, which are fine, or with the impulses and the humane eye of the Joneses' camera. But *A Face of War* gave me the feeling that the film had been selected from an overabundance of footage, as if Jones had composed a full "script" from the footage, with plenty of material rigorously and rightly pared away. *Two Men* is bumpy and jerky as if (which is not true) a script had been written beforehand and the Joneses had forgotten to shoot some sequences or to let some sequences run long enough.

Transitions clump and bump; inserts of time-lapses are patent. Perhaps part of the trouble is simply the editor here, Stephen Milne, is not as good as their previous editor Jono Roberts. But I'm inclined to think that the film material itself is insufficient; for example the troubles with Amin to the south are generally muzzy.

The heart of the picture is the series of conversations between Iain Ross, the blond British citizen born in Uganda who now has been asked to leave, and Paul Ssali, his replacement. They discuss, they argue, they quarrel, they laugh and drink with their wives; but quite unlike the talk in the Vietnam film, I kept wondering whether any of these scenes between Iain and Paul had been rehearsed or restaged. If so, they were remarkably halting. If not they lack spontaneity. In this crucial element the picture falters—in effect, anyway—between fiction and fact.

Some of it is exciting, like the attack on Iain's car by a female elephant (the excitement heightened by his utter irritation with the beast) or a bull elephant charging up on the lawn of the Ross home while they are sunbathing, or the tracking of the poachers. But much of the film, harsh though this is to say, is only routinely interesting, part of the family of African travelogues since Mr. and Mrs. Martin Johnson: lions stalking prey, vultures picking carcasses, tribal rituals, men drinking blood that gushes from "punctured" live cattle, and so on. And over it all is laid soupy music by Charles Randolph Grean that makes one feel the film is being trite even when it isn't. Snippets and sections are very vital, and suggest the picture that the Joneses might have made; but it would diminish the achievement of *A Face of War* to praise *Two Men* for its sincerity or the worth of some of its parts. It is simply not the *whole* work that the earlier Jones film was.

I hope that *Zandy's Bride* is the biggest flop in the history of American film. I hope it flops so disastrously that Jan Troell, the director, and Liv Ullmann, its female star, can never again get work in this country. Back to Sweden with him, to Sweden and Norway (her home) with her! There they are both fine artists. Working in American films, they are not. This is Troell's first American film, Ullmann has made others. They should both quit while they're behind. Or else they'll get too far behind to get ahead.

Zandy's Bride is one more mail-order-marriage picture derived from a novel by Lillian Bos Ross that was a hot number in the paperback business when I was in it some 25 years ago. It's set in the Big Sur country in the 1870s. Gene Hackman, the male mail-orderer, is a lone rancher who wants sons. (His

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house is a pigsty: *you* know.) Ullmann is the ad-answerer, a Swedish maid from the Midwest—I guess. It's not terribly clear. (And does she ever clean up that house!) She has written him that she was 26. In fact she's 32. So there is some initial distance between them, which he closes rather forcibly on their wedding night. There are quarrels and reconciliations, quarrels and separations, offspring, and whether you are prepared for this surprise or not, it ends with the beginning of a true marriage.

The script by Marc Norman is a mess. First, as narrative: there is a whole episode, somehow ramifying out from a dance, that leads to the tracking of cattle rustlers after Hackman has dallied with a Mexican girl. (That Mexican girl is played by the abominable Susan Tyrrell, which helped to distract me.) Second, more important, characterization: Hackman's role is a few crude strokes, Ullmann's even fewer. So any development, interplay, gains and losses in character are impossible to register. All "internal" movement in the script is only arbitrary pushing from the outside.

And the worst result of this is that Ullmann seemingly tries to fill the gaps in her role with bits and pieces left over from the wonderful character she played in Troell's two-part film, *The Emigrants* and *The New Land*. As a good actress she has to base what she does on something, and here she is apparently basing her work on material from another script. So the more honest she tries to be, the more fabricated her performance seems.

Hackman is grossly miscast. The part calls for an actor with space and silence inside him, the sort of thing that Robert Redford did pretty well in *Jeremiah Johnson*, that Spencer Tracy used to do all the time. Hackman is a nervous New York actor who overreacts constantly, embroidering and filleting with little grimaces and eye-rollings that are the exact opposite of the quiet granitic effect the role should have. And the lack of character in the script strands him even worse than it does Ullmann.

The first minute or so reminds us that Troell is a born filmmaker: a series of flashes of Hackman getting into his Sunday best ending with a close-up of the newspaper ad that started it all. Very often during the picture there are other lovely Troell touches, like a "still life" of objects on a table by the window while we hear voices in conversation. Jordan Cronenweth's photography is lovely but no better than Troell can do himself, and sometimes fruitier. Gordon Scott's editing is, again, no better than Troell has often done. Often the pace is slow and the dynamics flabby.

The trouble really is that Troell is pretending to take this picture seriously. It is only a "cute" confection based on a minor historical fact. Troell, with Ullmann, is used to making pictures about the truth of histories, from the inside out. He is an important "personal" filmmaker, as *Here's Your Life* and his pioneer epic prove. He is a poor employee, particularly in a foreign country. I wish he would go home, and take Ullmann with him.

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